



**ROANOKE CITY COUNCIL
ROANOKE CITY SCHOOL BOARD
SPECIAL MEETING
TUESDAY, JULY 6, 2004 – 9:00 A.M.
ROANOKE HIGHER EDUCATION CENTER – ROOM 212**

AGENDA

- 1. Welcome** **Ms. Manns**
 - a. Roll Call School Board Clerk
 - b. Roll Call City Clerk
 - c. Invocation and Breakfast
- 2. Introductions and Opening Remarks** **Ms. Manns
Mayor Harris**
- 3. Presentation of School Safety/Discipline
Task Force Report** **Task Force Panel**
- 4. Discussion of Report** **Council and Board Members**
- 5. Topics for Discussion:**
 - a. Health insurance stipend for retired teachers
 - b. Consolidation of City/School purchasing follow-up report
 - c. Report from November 21, 2003 Council/Board Retreat
 - d. Discussion of Ways to Enhance Council/Board Relations
 - e. Coaching Vacancies at the High Schools
 - f. Status of High School Tracks
 - g. Middle School Interscholastic Athletic Programs
- 6. Recess/Adjourn.**



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***JULY 6, 2004
12:00 NOON***

ROOM 159

AGENDA

Call to Order and Roll Call by the City Planning Commission.

Opening Remarks. Mayor Harris/Chairman Manetta.

- Review of Vision 2001–2020 Implementation Annual Report.
(Staff)
- Neighborhood planning process status report. (Staff)
- How to arrest and reverse neighborhood deterioration in parts of the City.
- The need for better coordination between land use and transportation planning.

Closing Comments.

A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

P 13

A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss the acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to §2.2-3711 (A)(3), Code of Virginia (1950), as amended.

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THE COUNCIL MEETING WILL BE DECLARED IN RECESS TO BE RECONVENED AT 2:00 P.M., IN THE CITY COUNCIL CHAMBER, FOURTH FLOOR, NOEL C. TAYLOR MUNICIPAL BUILDING.



***ROANOKE CITY COUNCIL
ORGANIZATIONAL MEETING***

***JULY 6, 2004
2:00 P.M.***

***CITY COUNCIL CHAMBER
AGENDA***

1. Call to Order.
2. Roll Call.
3. Statement of Purpose. Mayor C. Nelson Harris.
4. A report from the City Clerk advising of the qualification of the Honorable C. Nelson Harris as Mayor, and the Honorable Beverly T. Fitzpatrick, Jr., Sherman P. Lea and Brian J. Wishneff as Members of the Roanoke City Council for terms of four years, each, commencing July 1, 2004, and ending June 30, 2008. P 15
5. A Resolution recognizing the Honorable Beverly T. Fitzpatrick, Jr., to be a member of the City Council and Vice-Mayor of the City of Roanoke. P 20

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|----|---|------|
| 6. | A Resolution recognizing the services of the Honorable C. Nelson Harris as Vice-Mayor of the City of Roanoke. | P 21 |
| 7. | A Resolution establishing a meeting schedule for City Council for the Fiscal Year commencing July 1, 2004, and terminating June 30, 2005. | P 22 |
| 8. | A communication from Mayor C. Nelson Harris recommending certain committee assignments for the Members of Roanoke City Council. | P 25 |



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***JULY 6, 2004
Immediately following Organizational Meeting***

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order – Roll Call.

The Invocation will be delivered by Elder Sylvan A. Moyer, Pastor, Unlimited Power Apostolic Church.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, July 8, 2004, at 7:00 p.m., and Saturday, July 10, 2004, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGEMENTS:

Proclamation declaring July 2004 as Parks and Recreation Month.

3. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the regular meeting of Council held on Monday, May 3, 2004, recessed until Friday, May 7, 2004 and recessed until Monday, May 10, 2004.

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RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.

- C-2 A communication from the City Manager requesting that Council schedule a public hearing for Monday, July 19, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to the leasing of a portion of City-owned property to locate a monopole antenna and support building adjacent to the Roanoke Civic Center.

P 85

RECOMMENDED ACTION: Concur in the request.

- C-3 Annual report regarding activities of the Roanoke Pension Plan, Board of Trustees, for the period July 1, 2003 through June 30, 2004.

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RECOMMENDED ACTION: Receive and file.

- C-4 Qualification of George W. Logan as a member of the Board of Directors, Western Virginia Water Authority, for a term commencing March 2, 2004 and ending March 1, 2008.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

- a. Presentation by FRIENDS of the Blue Ridge Parkway with regard to the Last Chance Landscape Project. Susan Jackson Mills, Executive Director, and David Hill, President, Hill Studio, Spokespersons. (Sponsored by Vice-Mayor Fitzpatrick and Council Member Cutler)

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6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS:

Virginia Department of Transportation Update – 50 minutes

ITEMS RECOMMENDED FOR ACTION:

1. Execution of a 2004–2005 CDBG/HOME funded Subgrant Agreement with Community Housing Partners Corporation for rehabilitation and sale of eight houses in the Hurt Park/West End area.
2. Acceptance of a Summer Food Program Grant from the U. S. Department of Agriculture Food and Nutrition Services, in the amount of \$143,315.00.
3. Acceptance of additional funds to the Fire Programs Grant from the Commonwealth of Virginia.
4. Execution of separate Amendment No. 2. with Hayes, Seay, Mattern & Mattern, Inc., and Mattern & Craig, Inc., for consulting services for bridge, tunnel, and overhead sign inspection services.
5. Authorization to indemnify and hold harmless W. S. Connelly and Co., Inc., in connection with donating certain property rights across Official Tax Nos. 2022205 and 3022820, in connection with the Lick Run Greenway Phase II Project.

P 93;
R 116

P 117;
B/O 120;
R 121

P 122;
B/O 124;
R 125

P 126;
R 128;
R 129

P 130;
R 132

6. Appropriation and transfer of additional funds in connection with the Civic Center Auditorium seating refurbishing project. P 133;
 7. Execution of a lease agreement with the Virginia Museum of Transportation, Inc., for two steam locomotives, known as the 611 and the 1218, currently housed at the Virginia Museum of Transportation. P 134
 8. Transfer of funds in connection with development and implementation of a Public Art Master Plan. P 135
- b. DIRECTOR OF FINANCE:
1. Financial Report for the month of May 2004. P 136
 2. Amendment to the City Code with regard to limiting a locality's authority to deny a taxpayer's application for certain permits and licenses, under certain conditions. P 146;
O 148

7. REPORTS OF COMMITTEES: NONE.

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

12. CITY MANAGER COMMENTS:

CERTIFICATION OF CLOSED SESSION.

**MOTION AND CERTIFICATION
WITH RESPECT TO
CLOSED MEETING**

FORM OF MOTION:

I move, with respect to any Closed Meeting just concluded, that each member of City Council in attendance certify to the best of his or her knowledge that (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by the members of Council in attendance.

PLEASE NOTE:

1. The forgoing motion shall be made in open session at the conclusion of each Closed Meeting.
2. Roll call vote included in Council's minutes is required.
3. Any member who believes there was a departure from the requirements of subdivisions (1) and (2) of the motion shall state prior to the vote the substance of the departure that, in his or her judgement, has taken place. The statement shall be recorded in the minutes of City Council.



CITY OF ROANOKE
Office of the Mayor

C. Nelson Harris
Mayor

July 6, 2004

The Honorable Vice-Mayor and Members
of the Roanoke City Council
Roanoke, Virginia

Dear Members of Council:

This is to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, reading "C. Nelson Harris".

C. Nelson Harris
Mayor

CNH:snh



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

July 6, 2004

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Subject: Request for closed meeting

Dear Mayor Smith and Council Members:

This is to request that City Council convene a closed meeting to discuss the acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to §2.2-3711.A.3, of the Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB/f

cc: William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk



CITY OF ROANOKE OFFICE OF CITY CLERK

215 Church Avenue, S.W., Room 456

Roanoke, Virginia 24011-1536

Telephone: (540) 853-2541

Fax: (540) 853-1145

E-mail: clerk@ci.roanoke.va.us

MARY F. PARKER, CMC
City Clerk

STEPHANIE M. MOON
Deputy City Clerk

SHEILA N. HARTMAN
Assistant City Clerk

July 6, 2004

The Honorable Mayor and Members
of the Roanoke City Council
Roanoke, Virginia

Dear Mayor Harris and Members of Council:

I am attaching copy of the Roanoke City Electoral Board Abstract of Votes cast in the General Election held in the City of Roanoke on Tuesday, May 5, 2004, certifying that C. Nelson Harris, Beverly T. Fitzpatrick, Jr., Sherman P. Lea, and Brian J. Wishneff received the largest number of votes for the Office of Mayor and City Council Members.

Oaths of Office were administered on Thursday, June 24, 2004, by the Honorable Judges of the Twenty-Third Judicial Circuit, as follows:

C. Nelson Harris as Mayor for a term commencing July 1, 2004 and ending June 30, 2008;

Beverly T. Fitzpatrick, Jr., as a Member of Council for a term commencing July 1, 2004 and ending June 30, 2008; and as Vice-Mayor for a term commencing July 1, 2004 and ending June 30, 2006;

Sherman P. Lea as a Member of Council for a term commencing July 1, 2004 and ending June 30, 2008; and

Brian J. Wishneff as a Member of Council for a term commencing July 1, 2004 and ending June 30, 2008.

With kindest personal regards, I am

Sincerely,

Mary F. Parker, CMC
City Clerk

MFP:sm

Attachment



Roanoke City Electoral Board

Gilbert E. Butler, Jr., Chairman
Joanne P. Jones, Vice Chairman
Carl T. Tinsley, Sr., Secretary

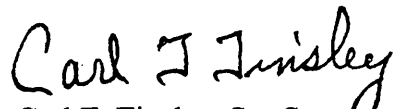
May 7, 2004

Mrs. Mary F. Parker
City Clerk
Room 454, Municipal Building
Roanoke, VA 24011

Dear Mrs. Parker:

Pursuant to Section 24.2 – 675 of the Virginia Election Laws, attached is a certified copy of the abstract of votes cast in the General Election for Mayor and City Council, held in the City of Roanoke on May 4, 2004.

Yours Truly,


Carl T. Tinsley, Sr., Secretary
Roanoke City Electoral Board

CTT, Sr., / byb

Attachment

ABSTRACT OF VOTES

cast in the City of ROANOKE, Virginia,
at the May 4, 2004 General Election, for:

MAYOR

NAMES OF CANDIDATES AS PRINTED ON BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Alice P. Hincker	4,033
C. Nelson Harris	4,982
Delvis O. "Mac" McCadden	4,244
George A. Sgouros	111

Total Write-In Votes

[Valid Write-Ins + Invalid Write-Ins = Total Write-In Votes] 0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on May 4, 2004, do hereby certify that the above is a true and correct Abstract of Votes cast at said election and do, therefore, determine and declare that the following person has received the greatest number of votes cast for the above office in said election:

C. Nelson Harris

Given under our hands this 6th day of May, 2004.

A copy teste:



[Signature], Chairman
[Signature], Vice Chairman
[Signature], Secretary
[Signature], Secretary, Electoral Board

ABSTRACT OF VOTES

cast in the City of ROANOKE, Virginia,
at the May 4, 2004 General Election, for:

MEMBER CITY COUNCIL

AT LARGE

ENTER AT LARGE OR APPROPRIATE DISTRICT OR WARD NAME

NAMES OF CANDIDATES AS PRINTED ON BALLOT

TOTAL VOTES
RECEIVED
(IN FIGURES)

Wendy J. Jones	6,071
Beverly T. Fitzpatrick, Jr.	7,486
Sherman P. Lea	6,889
Brian J. Wishneff	6,623
William H. "Bill" Carder	4,296
E. Duane Howard	817
Angela Mays Norman	2,849

Total Write-In Votes

[Valid Write-Ins + Invalid Write-Ins = Total Write-In Votes] 2

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on May 4, 2004, do hereby certify that the above is a true and correct Abstract of Votes cast at said election and do, therefore, determine and declare that the following person(s) has (have) received the greatest number of votes cast for the above office in said election:

Beverly T. Fitzpatrick Sherman P. Lea Brian J. Wishneff

Given under our hands this 5th day of May, 2004.

A copy teste:



[Signature], Chairman

[Signature], Vice Chairman

[Signature], Secretary

[Signature] Secretary, Electoral Board

COMPLETE THIS FORM **ONLY** IF (i) TOTAL NUMBER OF WRITE-INS IS 5% OR MORE OF THE TOTAL NUMBER OF VOTES CAST FOR OFFICE **OR** (ii) A WRITE-IN CANDIDATE WAS ELECTED TO THE OFFICE.

WRITE-INS CERTIFICATION

ROANOKE

☐ TOWN/COUNTY

☒ CITY

CITY COUNCIL

OFFICE TITLE

AT LARGE

DISTRICT NAME OR NUMBER, IF APPLICABLE

☒ General ☐ Special Election

May 4, 2004

Page 1 of 1

TOTAL VOTES
RECEIVED
(IN FIGURES)

WRITE-INS - SUMMARY

1. Invalid Write-Ins	0
	ENTER TOTAL INVALID
2. Valid Write-Ins	2
	ENTER TOTAL VALID
3. Total Write-Ins	2
[ENTER THIS FIGURE ON LINE FOR TOTAL WRITE-IN VOTES ON ABSTRACT FOR THIS OFFICE.]	ADD LINES 1 AND 2

VALID WRITE-INS - DETAIL

LIST VALID WRITE-INS IN ALPHABETICAL ORDER BELOW AND ON CONTINUATION PAGES, AS NEEDED. ALL VALID WRITE-INS WHEN ADDED TOGETHER MUST EQUAL TOTAL ENTERED ON LINE 2 ABOVE.

TOTAL VOTES
RECEIVED
(IN FIGURES)

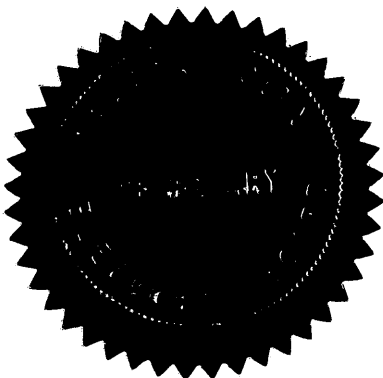
Chris Chitum	2
.....	
.....	
.....	

CONTINUED ON PAGES ____ THROUGH ____

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on May 4, 2004, do hereby certify that, with the continuation pages indicated, the above is a true and correct certification of the write-in votes cast at said election for the office indicated above.

Given under our hands this 5th day of May, 2004.

A copy teste:



<u>[Signature]</u>	Chairman
<u>[Signature]</u>	Vice Chairman
<u>[Signature]</u>	Secretary
<u>[Signature]</u>	Secretary, Electoral Board

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION recognizing the Honorable Beverly T. Fitzpatrick, Jr., as a member of the City Council and Vice-Mayor of the City of Roanoke.

WHEREAS, the Honorable Beverly T. Fitzpatrick, Jr., received the largest number of votes of any candidate running for Council in the regular Councilmanic election held on the first Tuesday in May, 2004, and was, therefore, elected Vice-Mayor of the City for a two-year term commencing on July 1, 2004, as provided by §4 of the Charter of the City of Roanoke;

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that the Honorable Beverly T. Fitzpatrick, Jr., be, and he is, hereby recognized to be a duly elected member of the Council of the City of Roanoke for a term commencing on the 1st day of July, 2004, and continuing for a period of four years and until his successor shall have been elected and qualified, and to be the duly elected Vice-Mayor of the City for a term commencing July 1, 2004, and continuing for a period of two years and until his successor shall have been elected and qualified.

ATTEST:

City Clerk.

WYK

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION recognizing the services of the Honorable C. Nelson Harris as Vice-Mayor of the City of Roanoke.

WHEREAS, the Honorable C. Nelson Harris was elected Vice-Mayor of the City of Roanoke by virtue of receiving the largest number of votes in the Councilmanic election held on the first Tuesday of May, 2002, and served in this office from July 1, 2002, to June 30, 2004; and

WHEREAS, Mr. Harris has served diligently and with distinction as Vice-Mayor, performing many and varied responsibilities required of him as Vice-Mayor in a selfless manner while also honorably discharging his other duties on the City Council.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The Mayor and Members of this body do hereby recognize and commend the Honorable C. Nelson Harris for his outstanding service as Vice-Mayor of this City and assure him of their continued support as he continues his service as a Member of Council, and begins his tenure as Mayor of the City of Roanoke.

2. The Clerk is directed to transmit an attested copy of this Resolution to Mr. Harris.

ATTEST:

City Clerk.

6/1/04

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION establishing a meeting schedule for City Council for the Fiscal Year commencing July 1, 2004, and terminating June 30, 2005, and rescheduling one regular meeting to be held in the month of October 2004.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. This resolution establishes a schedule of regular meetings for City Council for the Fiscal Year commencing July 1, 2004, and terminating June 30, 2005.

2. For such fiscal year, City Council shall hold regular meetings on the first and third Mondays of each month, at the following times of commencement:

(a) Unless otherwise provided by resolution of Council, each regular meeting on the first Monday in each month shall commence at 9:00 a.m. for the conduct of informal meetings, work sessions, or closed meetings. Thereafter Council shall take up the regular agenda at 2:00 p.m. Council may recess between the 9:00 a.m. session and the 2:00 p.m. session.

(b) Unless otherwise provided by resolution of Council, each regular meeting on the third Monday in each month shall commence at 2:00 p.m. for the conduct of regular business. The second meeting of each month shall be recessed upon the completion of all business except the conduct of public

hearings, and such meeting shall be reconvened at 7:00 p.m. on the same day for the conduct of public hearings.

3. With regard to the regular meetings scheduled to be held on the first Monday of each month, inasmuch as City officials and Council members will be attending the Virginia Municipal League Annual Conference to be held on October 3-5, 2004, an exception is noted herein and the regular meeting scheduled to be held on Monday, October 4, 2004, is rescheduled to be held on Thursday, October 7, 2004, and shall commence at 9:00 a.m., for the conduct of informal meetings, work sessions or closed meetings, and Council will take up the regular agenda at 2:00 p.m. that day, in accordance with Paragraph 2(a) of this resolution.

4. When any regularly scheduled Monday meeting shall fall on a holiday of the City, such meeting shall be held on Tuesday next following.

5. All meetings of City Council shall be automatically adjourned at 11:00 p.m., unless a motion setting a new time for adjournment be made, seconded, and unanimously carried.

6. Except for the 9:00 a.m. session of the regular meeting on the first Monday in each month, which shall be held in Room 159 of the Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., in this City, all regular meetings of City Council shall be held in the Council Chambers, Room 450, of the Municipal Building, unless otherwise provided by resolution of Council.

8. This Resolution shall have no application to special meetings of City Council called pursuant to §10 of the City Charter.

City Clerk.

8.

This item will be presented at the meeting.

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

May 3, 2004

10:00 a.m.

The Council of the City of Roanoke met in regular session on Monday, May 3, 2004, at 10:00 a.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Council Member William D. Bestpitch presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36193-010603 adopted by Council on January 6, 2003, which changed the time of commencement of the regular meeting of Council to be held on the first Monday in each month from 12:15 p.m. to 9:00 a.m., and Resolution No. 36679-042204 adopted on Thursday, April 29, 2004, which changed the time of commencement of the May 3, 2004 Council meeting from 9:00 a.m. to 10:00 a.m.

PRESENT: Council Members William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., and Beverly T. Fitzpatrick, Jr.-----4.

ABSENT: None-----0.

(Mayor Smith, Vice-Mayor Harris, and Council Member Wyatt arrived late.)

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committee appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the Mayor that Council convene in Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, and Fitzpatrick-----4.

NAYS: None-----0.

(Mayor Smith, Vice-Mayor Harris, and Council Member Wyatt were not present when the vote was recorded.)

CITY COUNCIL: A communication from the City Manager requesting that Council convene a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to §2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Dowe moved that Council concur in the request of the City Manager that Council convene in Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, and Fitzpatrick-----4.

NAYS: None-----0.

(Mayor Smith, Vice-Mayor Harris, and Council Member Wyatt were not present when the vote was recorded.)

CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to §2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the City Manager that Council convene in Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, and Fitzpatrick-----4.

NAYS: None-----0.

(Mayor Smith, Vice-Mayor Harris, and Council Member Wyatt were not present when the vote was recorded.)

CITY COUNCIL: A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a matter of probable litigation, pursuant to §2.2-3711(A)(7), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the City Attorney to convene in Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, and Fitzpatrick-----4.

NAYS: None-----0.

(Mayor Smith, Vice-Mayor Harris, and Council Member Wyatt were not present when the vote was recorded.)

CITY COUNCIL: A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a specific legal matter requiring the provision of legal advice by such counsel, pursuant to §2.2-3711(A)(7), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the City Attorney to convene in Closed Meeting as above described. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, and Fitzpatrick-----4.

NAYS: None-----0.

(Mayor Smith, Vice-Mayor Harris, and Council Member Wyatt were not present when the vote was recorded.)

CITY COUNCIL: A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a specific legal matter requiring the provision of legal advice by such counsel, pursuant to §2.2-3711(A)(7), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the City Attorney to convene in Closed Meeting as above described. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, and Fitzpatrick-----4.

NAYS: None-----0.

(Mayor Smith, Vice-Mayor Harris, and Council Member Wyatt were not present when the vote was recorded.)

ITEMS LISTED ON THE 2:00 P.M. COUNCIL DOCKET REQUIRING DISCUSSION/CLARIFICATION; AND ADDITIONS/DELETIONS TO THE 2:00 P.M. DOCKET:

With regard to a report included on the 2:00 p.m., Council agenda concerning a recommendation of the Roanoke Arts Commission in connection

with the "Unity" Sculpture, question was raised as to how the City can avoid incurring costs in connection with the Unity Sculpture; whereupon, the City Manager advised that it is anticipated that Council will refer the report of the Roanoke Arts Commission to City staff for report and recommendation; the intent is to prepare a document indicating the availability of the specific location for a certain period of time, while specifying that cost of the Unity Sculpture will be without City participation. She added that there is a possibility that the sponsor of the Unity Sculpture will attend the 2:00 p.m. Council session to express his disapproval of the site recommended by the Arts Commission.

The City Manager further advised that Parks and Recreation staff have indicated that installation of the Unity Sculpture should anticipate expenses associated with removal or relocation in the future due to expansion/renovation of the main library.

Following discussion and in further clarification, the City Manager advised that Council has not taken a position on the library issue, other than that the library project will not involve a renovation/expansion at the current location, but will be relocated either to the area closest to Elm Avenue or to another location.

Council Member Cutler inquired about Consent Agenda Item C-2, rezoning of the Patrick Henry High School site to INPUD and reducing the size of the campus from 11 to two buildings. He asked that reduction of storm water run off be considered as a part of reconstruction of the high school.

Dr. Cutler also addressed the Deer Management Program and advised that when dividing the \$37,000.00 cost of the program into 109 deer, the cost per deer is \$340.00 and suggested that the City engage in a more efficient deer management program next year.

The City Manager called attention to the possibility of re-engaging the firm that expressed an interest in performing the activity through the baiting method for next year.

Dr. Cutler called attention to information from the Federal Highway Administration, which is operating under a partial year authorization through the Transportation Act, that will provide reduced funding for the Dr. Martin Luther King, Jr. Bridge project. He stated that the anticipated amount of funds for the project from the Federal Government will be reduced from \$500,000.00 to \$290,000.00, and inquired as to the effect of decreased funding on the bridge project.

The City Manager stated that the City has been advised on several occasions that Federal funding must be used for a vehicular bridge, although the City has been advised that there may be occasional permitted closure of the bridge for special events and/or activities; the City has already appropriated

funds for bridge improvements, and the assumption has been that funds from the Federal Highway Administration could be used for some, if not all of the proposed improvements; funding will be at a lesser amount and will reduce the number of improvements that can be made; and proposed improvements will be prioritized by the Dr. Martin Luther King, Jr. Memorial Committee which will meet later this month.

(Mayor Smith and Council Member Wyatt entered the meeting.)

The City Manager recognized Kenneth H. King, Jr., Manager, Streets and Traffic, for a briefing on a proposed traffic signal at Aviation Drive and Towne Square, N. W.

Mr. King advised that it has been suggested that the addition of a traffic signal at Aviation Drive and Towne Square Boulevard would be appropriate to more clearly designate the entrance to the Roanoke Regional Airport and to enhance traffic flow leaving Towne Square and the Crossroads Mall areas. He stated that Transportation Division staff met with representatives of the development community and the Airport to discuss potential benefits and concerns to each party, and staff has developed a conceptual sketch of a potential intersection configuration which would permit motorists to exit from Towne Square Boulevard to Aviation Drive and combine the existing entrance to the Airport and Thirlane Drive into a single access to Aviation Drive. He stated that a traffic simulation model has been developed which indicates that traffic will function acceptably under the proposed scenario.

Before the project proceeds, Council Member Wyatt suggested that the agreement with the Virginia Department of Transportation regarding Airport Road be reviewed to ensure that the proposal is not in conflict with provisions of the agreement.

Mr. King advised that the same presentation will be made to the Roanoke Regional Airport Commission at its meeting on May 19, 2004; the primary goal is to improve the Airport entrance in addition to other improvements; pending favorable comments from the Airport Commission, City staff will make appropriate refinements in the conceptual plan and prepare a cost estimate prior to initiating discussions with the development community and Airport officials to determine potential funding opportunities.

The City Manager advised that with the approval of Council, City staff will proceed as above described by Mr. King and re-submit the matter to Council following discussion with the development community, Roanoke Regional Airport officials, including more precise cost estimates and sharing of costs by the airport, the development community and the City of Roanoke.

The City Manager advised that officials of Yellow Cab Company appeared before Council on March 15, 2004, and submitted a request for rate increase, at which time the matter was referred to the City Manager for report; City staff has evaluated the request and reviewed information on the rate structure/regulations, if any, by a number of Virginia localities. She called on R. B. Lawhorn, representing the Office of Management and Budget, for a briefing.

Mr. Lawhorn advised that as a result of questions by Council, staff of the Department of Management and Budget surveyed localities in the Commonwealth of Virginia with regard to the regulation of not only taxicabs, but rates as well; and staff conferred with the Virginia Municipal League and the City Attorney's Office and requested a review of taxicab regulations by the Police Department. He stated that the Chief of Police is of the opinion that the Commissioner of the Revenue should be responsible for issuing taxicab permits, which is similar to a for hire vehicle, inasmuch as the Police Department is not involved in the regulation of taxicabs, other than if a complaint is filed and the Police Department is called upon to undertake an investigation.

He advised that:

- The petition currently before Council represents the first request for an increase in taxicab rates in approximately four years. The last rate increase was approved by Council on June 4, 2000.
- Yellow Cab reports increased costs; i.e.: insurance rates have increased over 35 per cent, repair costs have gone up over 25 per cent, fuel costs have increased over 30 per cent and labor costs have gone up over 20 per cent in the four year period.
- Based on the above referenced increased costs, it would appear that Yellow Cab is justified in requesting an increase in rates to help offset current expenses.
- Yellow Cab wishes to increase the meter drop rate which is currently \$1.80 for the first 1/8 mile trip, or the initial drop rate, to \$2.80 for the first 1/8 mile, and the remaining additional 1/8 increment, or 2 cents per 1/8 section, is not the subject of change.
- The average taxicab ride in the City of Roanoke is approximately three miles, or \$6.40, and if the proposed increase is approved by Council, the fare will increase to \$7.40.

- The Company advises that the proposed increase is in line with the current practice of other localities.
- The petition submitted by Yellow Cab lists rates charged by taxicab companies in seven other Virginia municipalities, five of which are localities on which the City of Roanoke obtained information, and a comparison reveals that the rates are basically the same.
- When considering the charge for a three mile trip in each of the localities surveyed and comparing the proposed \$7.40 rate in Roanoke City, the City of Roanoke would have the highest rate of any locality surveyed; a customer's cost in the City of Lynchburg would be the cheapest at \$6.60 for a three mile round trip, and the cost to a passenger in Manassas or Woodbridge would be closest to Roanoke's projected cost at \$7.35 for a three mile trip; however, he noted that other localities may be in the process of reviewing changes to their rates.
- Officials of Yellow Cab Company have pointed out, and it was verified in Roanoke's research, that taxicab companies in the City of Roanoke do not levy some of the additional charges that are imposed by a number of operators in other localities.

Based on the above information, Mr. Lawhorn advised that the request of Yellow Cab Company appears to be warranted, but the larger issue is whether or not the City of Roanoke wishes to continue to regulate taxicab rates in general. He presented copy of survey results from 27 different localities, including members of Virginia's First Cities Coalition and noted that all seven localities represented in the First Cities Coalition currently regulate taxicabs and taxicab rates. He stated that among the localities that surround the City of Roanoke; i.e.: Roanoke County, Bedford County and Botetourt County, none regulate taxicab rates; the Town of Vinton and the City of Salem have enacted ordinances that regulate rates and advise that they do not engage in a great deal of rate regulation, even though they have enacted ordinances; the Town of Blacksburg is the only nearby locality that actively regulates rates and the Town Code specifies the maximum rate that can be charged, although taxicab companies operating within the Town of Blacksburg can charge less than what is actually set forth in the Town Code. In summary, he stated that the survey revealed that 18 of the 27 localities surveyed regulate taxicab rates and nine do not.

Question was raised as to the position of Yellow Cab Company with regard to deregulation of taxicab companies by the City; whereupon, William Roberts, President, Yellow Cab Company, advised that Yellow Cab is strongly opposed to

deregulation for various reasons, more specifically, when rates are deregulated, operators can set their own rates and when taxicab companies, such as Yellow Cab Company and others, commit to large sums of investment in capital resources for their businesses, they do not want to be undermined by an operator who can conceivably operate with one or two vehicles and set their own rates. Therefore, he stated that regulation and stability are needed to ensure factors such as safety of passengers and fairness among operators and passengers.

Council Member Wyatt advised that the City of Roanoke subsidizes the Unified Human Services Transportation System (RADAR) as a means of transportation for disabled persons through Valley Metro and questioned whether or not it would be more cost effective for some citizens to use taxicabs as opposed to RADAR as a means of transportation.

There was discussion in regard to whether the same rate is charged valley-wide by local cab companies; whereupon, Mr. Roberts advised that the meter rate is based upon the rates charged by the locality in which the trip originates.

An observation was made by a Member of Council that it could be a disincentive for drivers to be helpful if a charge is not imposed for extra services, such as helping passengers with luggage, etc. Mr. Roberts responded that Yellow Cab Company prefers to encourage drivers to help citizens as much as possible, as opposed to offering incentives through add on charges so as to avoid complaints from passengers about being over charged, etc.

The City Manager advised that any vendor has the right to respond to the City's request for proposals to provide service for disabled persons, although RADAR has been the primary respondent over a number of years; and while some passengers currently using RADAR could use taxicabs, there are others who require special facilities such as a handicap lift, etc.

The City Attorney advised that there is no legal requirement for the City of Roanoke to regulate taxicab rates; in reviewing the matter, it was discovered that the City does not impose a fee for taxicab permits; a number of hours are devoted each year by City staff to regulating the program, therefore, Council might want to give consideration to implementing a basic permit fee for taxicab service.

In response to a previous question by Council for information on the charge(s) imposed by RADAR, the City Manager advised that RADAR charges \$14.10 per ride, a fee of \$2.50 is paid by the passenger, and Valley Metro, through Federal, State and local sources, subsidizes the RADAR ride by \$11.60 per passenger.

It was the consensus of Council that the City Manager will submit a report at the next meeting of Council on Monday, May 20, 2004, recommending

approval of the rate increase requested by Yellow Cab Company.

The City Manager called upon Michael Etienne, Director, Department of Housing and Neighborhood Services, for a briefing on the Southeast by Design project.

Mr. Etienne advised that:

- In 2001, Council adopted a new neighborhood revitalization strategy aimed at building strong neighborhoods and a sound economy.
- The goal of the strategy is to target resources in specific neighborhoods to spur redevelopment and to improve quality of life in Roanoke's neighborhoods.
- Expected outcomes of Southeast by Design are:
 - Provide better neighborhood planning and community involvement
 - Provide better community services
 - Eliminate blight through property acquisition, demolition, renovation and new construction
 - Provide for traffic calming measures
 - Provide incentives for business/commercial rehabilitation
- Impact of Southeast by Design: crime declined by 65 per cent, calls for service declined by 25 per cent and a neighborhood watch program was started.
- 15 properties were acquired for redevelopment (eight homes were sold and/or under construction, two demolitions for new construction, five undeveloped properties to the contractors for bids); 12 renovation loans were provided to existing owners; and 39 repair grants were provided to area residents.
- Photographs were reviewed of the following houses purchased and renovated by Blue Ridge Housing Development Corporation:
 - 522 6th Street-1700 square feet, four bedrooms, two baths, full basement, new siding, new roof, HVAC-Before rehab value: \$23,900.00 and after rehab value: \$72,500.00

702 Jamison Avenue, S. E. - 2300 square feet, three bedrooms, 1.5 baths, roof, detached garage, new siding, HVAC - Before rehab value: \$30,300.00 and after rehab value: \$81,500.00

Allison Avenue, S. E. - Duplex, each side has 1200 square feet, three bedrooms, two baths, HVAC, new roof and siding, property was marketed as one structure, owner lives in one side and rents out the other - Before rehab value: \$57,700.00 and after rehab value sales price: \$129,950.00

- Properties which are homeowner/rehab by the Roanoke Redevelopment and Housing Authority:

1117 Bullitt/Highland Avenue, S. E. - Before Rehab value: \$45,200.00 and after rehab: appraised value \$92,000.00

1107 Bullitt Avenue, S. E. - Before Rehab value: \$43,600.00 and after rehab: appraised value: \$75,000.00

716 Jamison Avenue, S. E. - Before Rehab Value: \$28,700.00 and after rehab: appraised value: \$79,500.00

- Homes under construction include: 708 Jamison Avenue, S E., 533 6th Street, S. E., and 515 6th Street, S. E.
- Other visible improvements include 15 facade improvement grants to existing businesses, supporting new commercial developments to include a grocery/drug store and a car repair garage, and traffic calming measures.
- Business Facade Improvement Grants include: the Presbyterian Community Center, Bill's Auto Sales at 804 Tazewell Avenue, B & F Home Center at 1636 Dale Avenue, Domino's Pizza and Beltone at 325 A & B Elm Avenue, Ellis Auto Body at 404 9th Street, Frank R. and Mary E. Radford at 1207 Jamison Avenue, K&T Investments at 829 Tazewell Avenue, Sarver's Construction Company at 801 Bullitt Avenue, Saleeba's Grocery at 926 Tazewell Avenue, Clem Enterprises at 907 Tazewell Avenue, Bobby Scruggs at 1024 Jamison Avenue, Salvation Amy Thrift Store at 828 Jamison Avenue, Polumbos at 1302 Tazewell Avenue, Valley Express

at 504 13th Street, Star City Food Center at 509 13th Street and RYTLLC – Robert Young at 1302 Jamison Avenue.

- Traffic calming measures will improve the attractiveness of the corridor, improve public safety and slow down traffic.
- Southeast by Design partners include: Southeast by Design Steering Committee, Historic Belmont Preservation, Southeast Action Forum, Southeast Roanoke Christian Partnership, Faith Works, Roanoke Redevelopment and Housing Authority, Blue Ridge Housing Development Corporation, Presbyterian Community Center, Regional Housing Network, various departments from the City of Roanoke, Virginia Tech, First Union/Wachovia Bank, First Citizens Bank, SunTrust Bank, Wells Fargo Mortgage Company, The Roanoke Times, and numerous newspaper articles highlighting the status and accomplishments of the project.

In response to a statement that crime has declined by 65 per cent and calls for service have declined by 25 per cent, the Mayor requested additional information with regard to specific blocks.

The Reverend David Walton representing the Southeast by Design Steering Committee, expressed appreciation on behalf of the southeast community. He advised that the community was specifically concerned about housing and infrastructure, traffic and safety, the appearance of the neighborhood, and the lack of or the need for available and affordable health care; and since inception of the Southeast by Design Project in May 2001, the City and the southeast community have worked together to uphold the partnership. He stated that funding for Southeast by Design will end on June 30, 2004; however, the Steering Committee wishes to continue to meet, and propose the following beginning in July 2004: aggressively market the Southeast by Design project beyond southeast Roanoke, therefore, the Southeast by Design Steering Committee will host a breakfast meeting attended by representatives of the Roanoke Valley Realtors Association, civic leaders and large business leaders to discuss the Southeast by Design project and to provide an opportunity to dialogue with residents of the southeast community in order to begin to market southeast to those persons who market the Roanoke Valley region on a daily basis; there is a need to continue community involvement programs such as a garden club that will have the potential to spread beyond the Jamison/Bullitt corridor into other areas of southeast Roanoke; and the Southeast by Design Steering Committee will continue to meet on a regular basis, with the goal of rotating in new members at the end of July, acting as a kind of "think tank" with resources offered by representatives of the Roanoke Redevelopment and Housing Authority, Blue Ridge Housing Development Corporation, the Police Department and other persons who have been actively involved in the program.

The City Manager advised that Southeast by Design has been a successful project, residents have been patient with the City while the City learned a new and different way of doing business, and while the City engaged in an overly ambitious schedule which took two years as opposed to the one year that was originally envisioned. She stated that the willingness of southeast Roanoke to serve as the pilot project, to learn with the City, to allow the City to make mistakes, and to determine where improvements are needed in the future has been of assistance to City staff. Even though the commitment of funds ends to the southeast neighborhood on June 30, 2004, she stated that the City will be working through December 31, 2004, on traffic calming improvements, additional rehabs and new construction; Southeast by Design is still a work in progress and Council will receive another briefing at the end of the calendar year.

The City Manager called upon Beth Neu, Economic Development Director, for a briefing on the Grow America Fund.

Ms. Neu advised that:

- The City was approached by the Roanoke Valley/Allegheny Regional Commission in response to a recently adopted Economic Development Strategy to form a regional business loan pool through the National Development Council's (NDC) Grow America Fund.
- The NDC partners with local municipal economic development staff to offer the financing and development resources to benefit the small business community.
- The NDC is a United States Treasury Certified Development Financial Institution and a Certified Development Entity and may be able to use the benefits of that status to bring more money and technical assistance to the City of Roanoke.
- In order to make the loan pool viable, the NDC believes that a regional approach would work best for the Roanoke area; the NDC currently operates a Grow America Fund program in the City of Richmond; the Regional Commission is willing to serve as the intermediary and to work with a group of stakeholder communities in order to participate in the program.

- Advantages of the program are:

The Grow America Fund leverages to the community loan dollars to make the loans (i.e. they contribute to the pool using SBA resources, typically four times the community investment)

The NDC staff assists in marketing the program, assists in originating and packaging the loans, analyzes loan applications, determines credit worthiness, underwrites, closes, services and collects the loans, works with local banks, attorneys, CPAs, SBDCs etc., staff performs an annual review of each loan, staff provides fiscal reporting to the local client and training and capacity building services to client staff.

NDC has extensive experience in small business financing (has existed since 1969) and has closed 240 loans since the GAF program began.

The NDC staff of former bankers, developers, entrepreneurs, community and economic development officials and government agency lenders understand the needs and concerns of both the private and public sectors and will provide technical assistance service to help client communities be successful on a variety of projects.

- The GAF program differs from conventional lending by providing:

Patient Growth Capital – longer, more patient terms means smaller monthly loan payments, giving the borrower more time to reach full potential. Small loans–GAF's loans range from \$50,000.00 to \$1,000,000.00. Lower Down Payment–higher loan-to-value ratios allow the business to maximize equity available for growth capital. Lower Interest Rate–community development, not profit, is the goal so NDC can provide lower interest rates. Better Structure–GAF matches the term of the loan to the life of the assets being financed and matches debt service to available cash for repayment.

Costs include: an annual management fee, contribution to the loan pool and the City will have to provide some marketing and staff time.

Timeline for entering into an agreement with the NDC: identify participating communities by mid-May, prepare Memorandum of Understanding between the Regional Commission and the participating communities by mid-June (start working with local bankers, etc., to promote the program), enter into the Agreement with NDC by mid-July, and roll out the program by August 1, 2004.

Ms. Neu recommended an initial contribution by the City of Roanoke of \$200,000.00 to the loan pool.

It was the consensus of Council that the City of Roanoke will participate in the Grow America Fund.

At 12:15 p.m., the Mayor declared the Council meeting in recess until 12:45 p.m., at which time Council convened in Closed Session in the Council's Conference Room, Noel C. Taylor Municipal Building.

At 2:00 p.m., on Monday, May 3, 2004, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Smith presiding.

PRESENT: Council Members William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., C. Nelson Harris, Linda F. Wyatt, and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Kenneth B. Wright, Pastor, First Baptist Church, 310 N. Jefferson Street.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGMENTS:

PROCLAMATIONS-RESCUE MISSION: The Mayor presented a proclamation declaring the month of May 2004, as Rescue Mission Month.

PROCLAMATIONS-WATER RESOURCES: The Mayor presented a proclamation declaring the week of May 2 - 8, 2004, as National Drinking Water Week.

PROCLAMATIONS-LANDMARKS/HIST. PRESERVATION: The Mayor presented a proclamation declaring the week of May 3 - 9, 2004, as National Historic Preservation Week.

PROCLAMATIONS-TOURISM: The Mayor presented a proclamation declaring the week of May 8 - 16, 2004, as National Tourism Week.

PROCLAMATIONS-INSURANCE: The Mayor presented a proclamation declaring the week of May 10 - 16, 2004, as Cover the Uninsured Week.

ACTS OF ACKNOWLEDGEMENT:

ARCHITECTURAL REVIEW BOARD:

On behalf of the Architectural Review Board, Chairman Robert N. Richert presented awards for the following:

- H-1 District - FNB Bank Building, 302 Market Street. When the newly merged FNB Bank (with Salem Bank & Trust) was interested in relocating to the downtown Market area after 88 years in its former location near the Municipal Building, the owners and the architect had to overcome many obstacles to fit a modern bank into a historic storefront. With the help of Sonny Tarpley, President of Salem Bank & Trust, William and Gale Sowers, former owners of the building, and architect Peter Clapsaddle, the bank building was renovated internally and externally.
- H-1 District: Signage on the Wigmore Building at 309 Market Street. When the owner of the building, Sherwin Jacobs, wanted to market his building and to acknowledge its historical significance, he hired Sign Design to propose the right signs to complement the building. After much work by the owner, Al Williams, and the designer, Dan Moore, working with the Architectural Review Board, they arrived at a series of attractive and informative signs that not only describe the history of the building, but provide a directory of the upper floors. The signs are an asset to the City Market area and provide a good example for appropriate sign design and location.

- H-2 District – Renovation of 433 Albemarle Avenue by Pitman Construction Company. The apartment building was vacant and placarded by the City before Bud and Walt Derey, father and son owners of Pitman Construction Company, purchased the property in 2002 and started renovation. After working cooperatively with the Architectural Review Board, the building and its former carriage house apartment were restored by the Derey's and are now a contributing property to the historic streetscape.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion is desired, the item will be removed from the Consent Agenda and considered separately.

AUDIT COMMITTEE: Minutes of a meeting of the Audit Committee which was held on Monday, April 5, 2004, were before the body.

Topics of discussion included Internal Audit Reports:

- A. Treasurer Turnover
- B. Clerk of the Circuit Court
- C. Parks and Recreation
- D. Fixed Assets
- E.

Audit Committee meetings for the remainder of the calendar year:

- Tuesday, July 6, 2004
- Thursday, October 7, 2004
- Monday, December 20, 2004 (at 1:00 p.m.)

Mr. Bestpitch moved that the minutes of the Audit Committee be received and filed. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

ZONING-SCHOOLS: A communication from the City Manager advising that the plan for reconstructing Patrick Henry High School calls for ten of the current eleven buildings on the campus to be demolished, with a new three-story, 330,000 square foot building to be constructed to replace the demolished buildings, was before Council.

It was further advised that the current zoning of the subject property is RS-1, Residential Single-Family District, which restricts structures to a maximum height of 35 feet; a rezoning of the property to INPUD, Institutional Planned Unit Development District, is recommended; the INPUD District would permit the uses existing and proposed for the property, allow for structures up to a maximum height of 45 feet, and encourage efficient redevelopment of the site; and the INPUD District is intended to encourage harmonious development of institutional uses and mixed-use campus developments.

The City Manager explained that *Vision 2001-2020*, the City's Comprehensive Plan, recommends the efficient redevelopment of existing sites within the City and the improvement of the City's educational facilities; and consolidation of Patrick Henry High School from the current 11 building campus into two buildings reduces the impervious areas of roof, sidewalk, and driveways, consistent with *Vision 2001-2020's* recommendation for limiting impervious surfaces to reduce storm water runoff.

The City Manager recommended that she be authorized to file a petition to rezone the Patrick Henry High School property, located at 2102 Grandin Road, S. W., Official Tax No. 1460101, from RS-1, Residential Single-Family District, to INPUD, Institutional Planned Unit Development District.

Mr. Bestpitch moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

COMMITTEES-PENSIONS-HOTEL ROANOKE CONFERENCE CENTER-
HOUSING/AUTHORITY:

The following reports of qualification were before Council:

Michael W. Hanks as a member of the Board of Trustees, City of Roanoke Pension Plan, to fill the unexpired term of D. Duane Dixon, resigned, ending June 30, 2004;

C. Nelson Harris as a member of The Hotel Roanoke Conference Center Commission, for a term ending April 12, 2008; and

Rich G. McGimsey as a member of the Fair Housing Board, for a term ending March 31, 2007.

Mr. Bestpitch moved that the report of qualification be received and filed. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Robert Craig, 701 12th Street, S. W., inquired if Council transacts business with The Hotel Roanoke Conference Center Commission and, if so, he expressed concern that there may be a conflict of interest inasmuch as Vice-Mayor Harris serves as both a Member of City Council and a member of The Hotel Roanoke Conference Center Commission.

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

ACTS OF ACKNOWLEDGEMENT-THE NEW CENTURY COUNCIL: Lisa Isom, President, The New Century Venture Center, advised that on April 26, 2004, the New Century Venture Center was named the 2004 Randall M. Whaley Incubator of the Year by the National Business Incubation Association, which award recognizes overall excellence in business incubation. She stated that the Whaley award is the Association's most prestigious award; and the new Century Venture Center was selected from over 1,000 member incubators throughout the world. She further stated that prior to receipt of the Whaley award, the New Century Venture Center was recognized for having graduates of the year in 2002 in the service manufacturing category and graduates in the technology category in 2003; many things contributed to the recognition, including diversity of programs, success of tenant and graduate companies, operating on a conservative shoestring budget, and completing the job with a staff of two full time employees and one part time employee. She added that since opening in 1996, the Center has assisted over 75 companies, 26 of which have graduated from the Center and have continued their operations throughout the Roanoke Valley; the Center currently houses 24 tenants who operate 27 businesses and employ approximately 70 persons; the Center operates a mixed use incubator, with current occupancy including 18 service companies, five technology firms, and one bioscience firm; 15 of the firms represent women and minority owned businesses; those businesses responding to the tenant and graduate survey for 2003 indicated gross revenues of over \$7 million and total payrolls of \$2.4 million; the Center assists with all types of entrepreneurs and have experienced success in each category, from technology to service companies, to assisting entrepreneurial residents of public housing and home based businesses; a strong training program is provided offering affordable training in all aspects of business operations; the Venture Out Program provides service to businesses not physically located within the Center; and other factors that have had a direct influence on the success of the Center include continuity of leadership in staff and the Board of Directors, creation of an entrepreneurial environment for businesses, and assistance provided to clients through advisory teams composed of volunteers from the Roanoke Valley and surrounding communities. She advised that Roanoke's New Century Venture Center has been well represented, is recognized as a leader in the incubation industry and is often used as a model for other programs throughout the country.

On behalf of the Board of Directors, Ms. Isom offered assistance to the City of Roanoke in the operation and growth of Warehouse Row and advised that including the project under the umbrella of the New Century Venture Center would allow the Center to expand its capability to provide additional space options and services to companies that wish to be located in the downtown area, but also need the nurturing that is provided by a full-fledged incubation program.

BUDGET-ROANOKE VALLEY RESOURCE AUTHORITY: A communication from the City Manager transmitting a request of the Roanoke Valley Resource Authority to present its proposed Annual Budget for fiscal year 2004-2005, was before Council.

Pursuant to the Member Use Agreement, John R. Hubbard, Chief Executive Officer, Roanoke Valley Resource Authority, presented the proposed 2004-2005 Annual Budget of the Roanoke Valley Resource Authority, in the amount of \$8,628,515.00.

Mr. Dowe offered the following resolution:

(#36680-050304) A RESOLUTION approving the annual budget of the Roanoke Valley Resource Authority for fiscal year 2004-2005, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 68, Page 438.)

Mr. Dowe moved the adoption of Resolution No. 36680-050304. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS:

COMMITTEES-YOUTH: The City Manager called upon Marion Vaughn-Howard, Youth Planner, for a briefing on the Youth Commission.

Members of the Youth Commission, i.e.: Cari Kelso, Co-Chair; Kathryn Hatam, Co-Chair; Alisha Childress, Vice-Chair; and Ashley Johnson, Special Projects Coordinator, participated in the briefing.

They advised that:

- A Youth Forum was held on November 22, 2002, which was attended by students from local high schools who identified a need for an official "voice for the youth".
- Based upon an identified need, a Youth Commission was established consisting of 20 active appointed and volunteer members who attend regular meetings of the Commission.
- A Youth Retreat was held in March 2003 which addressed team building, overcoming differences/group dynamics, identification of key priority issues and identification of leadership.
- Initiatives planned and/or missions accomplished include:
 - Representation on the Roanoke Neighborhood Advocates Committee
 - A Resource Directory Guide
 - A Youth Fitness Program
 - A Youth Student Grant Program
 - A Youth Nutritional Program
 - Youth Internships and Employment
- The Resource Guide and Youth Directory will provide a community resource database for youth services, stakeholders, and list available services and resources.
- Youth Internships and Employment will act as partners with Youth Service organizations for placement, partner with the Roanoke City Library department, provide on the job training and work ethic development, partner with City departments for placement, and provide internships for 65 young people.
- The Youth Student Grant will involve Mill Mountain Theatre, Boy Scouts Camp grants, Dumas Drama Guild, Addison Garden, and Youth Police Academy Summer Program.

- The Youth Commission co-sponsored World Changers on July 12-19, 2003, which provided volunteer services to residents of the City of Roanoke, provided "goodie bags" to out of town volunteers, and distributed Popsicles along with the City Manager and Assistant City Manager.
- National Youth Service Day celebration was held on April 17, 2004, which recognized 400+ youth volunteers for participation in service projects.
- The Youth Commission was invited to present at the 2004 National Prevention Through Recreation Services Conference, youth representatives participated in a panel discussion on the formation of the Youth Commission and the presentation was based on 40 developmental assets and healthy youth development.
- "Rock the Park" which was held on September 20, 2003, provided an opportunity for special event programming for the City's youth, which included a youth concert, games and food in Elmwood Park, with local/out of town youth talent performances.
- A School Safety Task Force/Youth Citizenship Summit will be held on May 5, 2004, which will be a follow up to Town Meetings on school safety, group discussions will be facilitated on student involvement in school safety issues, the meeting will be attended by 200 students from City schools, with 18 youth facilitators/recorders and 34 adult volunteers from City departments.
- Student Government Day will be held on May 27, 2004, which will introduce youth citizens to City of Roanoke government positions, highlight the Public Works Department, allow participants to shadow government officials, and allow for special recognition.
- Preston Recreation Center will offer a location to develop a safe community place for young people to "call their own"; implement programs for "young people by young people", provide intergenerational programs within the facility, and create educational mentoring and social development skills.

- The succession plan calls for recruitment of new members, extending recruitment to middle school students, and a Youth Commission Retreat.
- The Strategic Business Plan calls for an advocate for youth and adolescents in the City of Roanoke, to identify needs for Youth Services in the community, to provide special event program opportunities, and to develop a Youth Leadership Academy.
- City Council's Vision Plan calls for development of an addendum to the City's Comprehensive Plan - a "Youth Comprehensive Plan" and development of an addendum to the Vision Plan - "Youth Vision Plan".

Representatives of the Youth Commission expressed appreciation to Council for its continued support and for providing opportunities for the Youth Commission to be the voice of all young people within the City of Roanoke, which demonstrates that "this is the city which continues to care about its children."

ITEMS RECOMMENDED FOR ACTION:

ROANOKE CIVIC CENTER-ENVIRONMENTAL POLICY: A communication from the City Manager advising that the Virginia Department of Environmental Quality (DEQ) is requesting that the City of Roanoke enter into a Consent Order with the Commonwealth of Virginia Waste Management Board to resolve certain solid waste disposal issues identified on City owned property located adjacent to the City's Public Works Service Center; in the Consent Order, DEQ acknowledges that the solid waste identified on City owned property located adjacent to the City's Public Works Service Center has been properly removed from the site and no further remediation or closure activities are currently being requested; while the City is admitting the jurisdictional allegations in the Consent Order, the City is not admitting the factual allegations or legal conclusions contained within the Consent Order; and the City is agreeing to pay \$3,000.00 in settlement of alleged violations in order to resolve the matter.

It was further advised that negotiations to develop the Consent Order included representatives of the City's legal counsel, the City's environmental consultant, and staff from the City and the Department of Environmental Quality.

The City Manager recommended that she be authorized to execute the Consent Order on behalf of the City of Roanoke with the Department of Environmental Quality and the Commonwealth of Virginia Waste Management Board, and to make payment to the Treasurer of Virginia, through DEQ, the amount of \$3,000.00 for settlement of alleged solid waste violations and to execute other documents and to take such further action as may be needed to conclude the matter.

Mr. Fitzpatrick offered the following resolution.

(#36681-050304) A RESOLUTION authorizing the City Manager to execute for and on behalf of the City a Consent Order with the Commonwealth of Virginia Waste Management Board and the Department of Environmental Quality (DEQ) resolving certain solid waste disposal issues involving City owned property located adjacent to the City's Public Works Service Center, upon certain terms and conditions; and authorizing the City Manager to take such further action and to execute and provide such further documents as may be necessary to comply with and implement the provisions of such Consent Order.

(For full text of Resolution, see Resolution Book No. 68, Page 439.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36681-050304. The motion was seconded by Mr. Cutler.

Council Member Bestpitch called attention to a number of concerns that have been raised regarding the future impact of the materials that were found at the specified location; i.e.:

- On August 25, 2003, two crushed 55 gallon drums containing dried paint and three empty drums were excavated during construction activities; and there was no soil staining, odor, or any other evidence that any of the material had leaked out of the drums.
- On September 9, 2003, a partially crushed 55 gallon drum was excavated during construction activities; the contents of the drum and approximately 60 tons of soil, some of which was petroleum contaminated, were removed and disposed of properly; following removal of the approximately 60 tons of soil, there was no staining, odor, or any other evidence of release in the soil that remained in place at the site, and all of the contamination was removed.
- On October 7, 2003, one 30 gallon drum containing paint, and four five gallon pails containing paint were excavated; there was no soil staining, odor, or any other evidence of a release from any of the containers, and none of the matter had leaked into the soil.

- On December 30, 2003, one partially crushed 55 gallon drum containing absorbent material was excavated; the drum, its contents and approximately seven tons of petroleum contaminated soil were removed for disposal, properly disposed of, and all petroleum contaminated soil was removed from the site.

Mr. Bestpitch stated that he was not suggesting that any of the above was not a problem, or that it should not have been corrected once it was found; everyone is in agreement that none of the material should have been disposed of improperly at this location or at any other location; many people have different ideas about what should be done with the property in the future; however, whatever happens to this particular site, at some point in the future, it should be known that there is no reason for any person to think that there is any type of toxic waste situation, or any type of hazard that will prevent a productive use of the property. He advised that for the record, it should be stated that there is no reason for any citizen to think that there is any danger resulting to any citizen from future use of the site.

Council Member Cutler advised that the site of the proposed new stadium/amphitheater is now one of the cleanest and safest sites in the Commonwealth of Virginia; the City of Roanoke could have disagreed with the Department of Environmental Quality and gone to court over the matter, which would have cost the City far more than the \$3,000.00 fine the City has agreed to pay; and the City of Roanoke has pledged to the Department of Environmental Quality and to itself that it will be a model of compliance with environmental laws and regulations in the future. He reiterated the remarks of Mr. Bestpitch that the site at Orange Avenue and Williamson Road is free of contamination.

Resolution No. 36681-050304 was adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was out of the Council Chamber when the vote was recorded.)

BUDGET-ROANOKE CIVIC CENTER: The City Manager submitted a communication advising that on December 2, 1999, Roanoke Pro Football, LLC, doing business as the Roanoke Steam, entered into an agreement with the City of Roanoke to provide Arena Football 2 games at the Civic Center Coliseum; in March 2000, the City purchased Arena Football equipment in the amount of \$168,671.00; in 2002, the team acquired new owners, but the City terminated the agreement when the new ownership group filed for bankruptcy; the City was left with Arena Football equipment that was used for only two seasons; previous attempts to sell the equipment proved unsuccessful; however, in March 2004, owners and managers of the Wichita Falls Thunder expressed an interest in acquiring the equipment; and after following the required procedures, the majority of the equipment was sold for \$45,000.00, and remaining equipment will be used at the Civic Center and Victory Stadium.

It was further advised that proceeds from the sale of the equipment can be used to address needed improvements such as repair of the stage and replacement of seats in the Civic Center Auditorium.

The City Manager recommended that Council authorize the Director of Finance to establish a revenue estimate, in the amount of \$45,000.00, from the sale of equipment and appropriate funding to Account No. 005-550-8623-9003 (Seat Refurbishing Auditorium and Coliseum) where the funds may be used for capital improvements.

Mr. Fitzpatrick offered the following budget ordinance:

(#36682-050304) AN ORDINANCE to appropriate funding received from the sale of Arena Football equipment, amending and reordaining certain sections of the 2003-2004 Civic Facilities Fund Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 440.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36682-050304. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Vice-Mayor Harris was out of the Council Chamber when the vote was recorded.)

CITY MARKET-BUDGET: The City Manager submitted a communication advising that the City opened bids for the replacement of the City Market Building HVAC on March 4, 2004; two bids were received from local contractors, with the low bid being \$1,568,245.00; and variance between the two bids was approximately six per cent.

It was further advised that estimated cost of the project is \$965,000.00; the higher than expected bids reflect the difficulty of work in an historic building that will remain in retail food service operation throughout construction; the project also requires limiting the contractor's work times and the site presents difficult construction staging and material storage challenges.

It was explained that City staff, with the low bidder and Design Engineer, have reviewed the project, in an effort to identify opportunities to reduce cost; in order to meet budget limits, it is necessary to design a less efficient and less flexible heating and cooling system, which, while meeting the budget, will not provide the desired comfort and operational flexibility needed in the City Market Building.

The City Manager recommended that Council proceed with the HVAC replacement project as currently designed; increased funding requirements of \$700,583.00 will be addressed by using several sources as detailed below; additional funding beyond the contract amount will be used for miscellaneous project expenses including advertising, prints, test services, minor variations in bid quantities, and unforeseen project expenses.

The City Manager further recommended that Council appropriate funds to Market Building Improvement, Account No. 008-530-9767, in the amount of \$74,333.00 from unappropriated CMERP (001-3323); and transfer funds from the following accounts to Market Building Improvements, Account No. 008-530-9767:

Life Insurance Premium Savings	001-250-9110-1130	\$164,807.00
Roanoke Valley Detention Commission	001-121-2130-2008	\$150,000.00
Main Library Improvements	008-052-9640-9003	\$ 8,285.00
Greater Gainsboro Land Acquisition	008-410-9653-9003	\$139,519.00
Municipal South Elevators	008-530-9792-9132	\$ 43,799.00
120 Commonwealth Avenue	008-530-9816-9003	\$ 19,840.00
Maintenance of Fixed Assets	001-440-4330-3057	\$100,000.00

Mr. Cutler offered the following budget ordinance:

(#36683-050304) AN ORDINANCE to appropriate funding for the City Market Building HVAC System Replacement, amending and reordaining certain sections of the 2003-2004 General and Capital Projects Funds Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 441.)

Mr. Cutler moved the adoption of Ordinance No. 36683-050304. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

CITY ATTORNEY:

CITY CODE-SCHOOLS: The City Attorney submitted a written report advising that during his absence while on vacation, Council elected to extend the application deadline until April 19, 2004, for candidates for two School Board positions; the Assistant City Attorney advised that such extension is permissible under law; however, if the Council elects to appoint one or more of the applicants who applied after March 10, 2004, §9-17 of the City Code will need to be amended, inasmuch as the section provides that the "Council shall elect school trustees only from among those persons, including incumbent trustees, who have declared their candidacy by March 10 of each year."

It was explained that the procedure adopted by Council for appointment of School Board members is more detailed and cumbersome than that which is required by State law; the procedure was streamlined in 2001, and the Council may wish to further streamline the procedure in order to allow more flexibility in the application process.

Mr. Bestpitch offered the following ordinance:

(#36684-050304) AN ORDINANCE amending §9-17, Candidate's application, of Article II, Procedure for Election of School Trustees, Chapter 9, Education, Code of the City of Roanoke (1979), as amended, by removing the March 10 deadline for filing of applications by candidates for election of school trustees; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68, Page 443.)

Mr. Bestpitch moved the adoption of Ordinance No. 36684-050304. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, Wyatt, and Mayor Smith-----7.

NAYS: None-----0.

DIRECTOR OF FINANCE:

AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of March 2004.

There being no discussion, without objection by Council, the Mayor advised that the Financial Report for the month of March 2004 would be received and filed.

REPORTS OF COMMITTEES:

ROANOKE ARTS COMMISSION: Mark C. McConnel, Chair, Roanoke Arts Commission, presented a written report on behalf of the Arts Commission advising that several months ago, the Roanoke Arts Commission recommended to Council that the City accept a sculpture entitled, "Unity" by local artist Judith Damon; the Arts Commission appointed a site selection committee composed of Commission members to determine possible sculpture installation locations on City property; the site selection committee recommended to the Arts Commission a site in Elmwood Park; the Arts Commission voted to accept the location, met with the Director of the Department of Parks and Recreation and the Parks and Recreation Advisory Board because the site is located on City park property; the Arts Commission and the Department of Parks and Recreation concur in recommending that Council dedicate this site for installation of the Unity sculpture, and also recommends that the artist be given one year to install the sculpture. He stated that the artist has indicated that donations for the work of art and installation will be at no cost to the City of Roanoke.

Herb Detweiler, President, JRD ART, advised that he has been working with the Roanoke Arts Commission to identify an appropriate and viable site for the sculpture in the downtown Roanoke vicinity. He expressed concern that the site proposed by the Roanoke Arts Commission in Elmwood Park will not work; in order to donate the sculpture to the City, it will be necessary to raise a large sum of money from citizens and businesses in the Roanoke Valley, therefore, it will be crucial to the success of fund-raising that potential donors will be able to see the proposed site as a good location; i.e.: it is easily seen and accessed by the general public.

He advised that if the sculpture must be located in Elmwood Park, two suggestions are offered; i.e.: the first suggestion involves a site that would not be obscured by the large rocks and is near the library courtyard; the slope of the hill provides that the partly exposed lower side of the supporting base could accommodate a bronze plaque that the artist intends to install listing the names of major donors; and the second suggestion, which is the ideal location, is to move the sculpture off the hill to the corner of Elm Avenue and Jefferson Street. He stated that there is about 46 feet of space between the sidewalk and the present bricked area, allowing ample room to place the sculpture on a 30 - 35 foot star of red paving bricks; nothing presently located at this corner site would need to be disturbed, except the short connecting sidewalk into the present bricked area; and this location would maximize the ability of people to see the sculpture and provide an exciting and inspiring welcome to those persons using this busy corridor to the downtown area.

It was the consensus of Council to refer the recommendation of the Roanoke Arts Commission and alternate recommendation(s) offered by Mr. Detweiler to the City Manager for report to Council

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

ACTS OF ACKNOWLEDGEMENT-CHURCHES: Council Member Bestpitch called attention to the 50th Anniversary Service of the Unitarian Universalist Church on Saturday, May 1, 2004, and advised that William M. Hackworth, City Attorney, who is a member of the Church has written a 50 year history of the Unitarian Church which is available for purchase.

ACTS OF ACKNOWLEDGEMENT-HOTEL ROANOKE CONFERENCE CENTER: The Mayor commended The Hotel Roanoke and Conference Center upon receipt of the Double Tree Pride Award.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

ARMORY/STADIUM: Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, expressed appreciation to Council Member Wyatt for her motion to hold in abeyance the construction of a new stadium/amphitheater at the Orange Avenue/Williamson Road site until the new Council is seated on July 1, 2004. He stated that the City of Roanoke has a stadium (Victory Stadium) that is worth preserving in memory of World War II veterans, and Victory Stadium can be renovated like other historic buildings in the City of Roanoke such as The Hotel Roanoke and the railroad station which now houses the O. Winston Link Museum. He added that if Victory Stadium is renovated and properly promoted, it can be a money making venture for the City of Roanoke.

COMPLAINTS-TAXES-CITY EMPLOYEES: Mr. Robert Gravely, 729 Loudon Avenue, N. W., advised that City properties are not being utilized to their fullest potential and referred to the Public Works Service Center on Courtland Road, N. E., which should be used as a base operation for all City employees involved in public works and parks and recreation activities. He also called attention to a building on Shenandoah Avenue that could be used for vocational education purposes. He stated that City properties are not being properly maintained; in order to do a job correctly and efficiently, there must be an effective work force, working under a satisfactory pay scale; and laws should be passed by Council for the good of the people and only after input from citizens. He expressed concern with regard to the low wages paid to City employees and stated that it is difficult for any person to live off of \$8.00 an hour in today's economy.

CITY MANAGER COMMENTS:

CITY MARKET-ACTS OF ACKNOWLEDGEMENT: The City Manager called attention to the Chili Cook-Off and the Strawberry Festival which were held on the City Market on Saturday, May 1, 2004, both of which were well attended by citizens of the Roanoke Valley.

At 4:00 p.m., the Mayor declared the Council meeting in recess for continuation of a Closed Session.

At 5:20 p.m., the Council meeting reconvened in the Council Chamber, with all Members of the Council in attendance, except Council Member Dowe, Mayor Smith presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Fitzpatrick moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Fitzpatrick, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

OATHS OF OFFICE-HOUSING/AUTHORITY: The Mayor advised that there is a vacancy on the Roanoke Redevelopment and Housing Authority created by the resignation of Joseph F. Lynn, and called for nominations to fill the vacancy.

Mr. Fitzpatrick placed in nomination the name of Gregory M. Cupka.

There being no further nominations, Mr. Cupka was appointed as a Commissioner of the Roanoke Redevelopment and Housing Authority, to fill the unexpired term of Joseph F. Lynn, resigned, ending August 31, 2007, by the following vote:

FOR MR. CUPKA: Council Members Bestpitch, Cutler, Fitzpatrick, Harris, Wyatt, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

CONVENTION AND VISITORS BUREAU: The Mayor advised that there is a vacancy on the Roanoke Valley Convention and Visitors Bureau, and called for nominations to fill the vacancy.

Mr. Fitzpatrick placed in nomination the name of Morris Turner.

There being no further nominations, Mr. Turner was appointed as a City representative to the Roanoke Valley Convention and Visitors Bureau, for a term ending June 30, 2004, by the following vote:

FOR MR. TURNER: Council Members Bestpitch, Cutler, Fitzpatrick, Harris, Wyatt and Mayor Smith-----6.

(Council Member Dowe was absent.)

At 5:25 p.m., the Mayor declared the meeting in recess until Friday, May 7, 2004, at 8:30 a.m., in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, at which time Council will engage in fiscal year 2004-2005 budget study; Council will meet with the Roanoke City School Board in a joint Budget Study Session on Monday, May 10, 2004, at 8:30 a.m., in Room 159; a Budget Study Session is scheduled for Tuesday, May 11, 2004, at 8:30 a.m., in Room 159, if necessary; and the fiscal year 2004-2005 budget will be adopted at a Special Meeting of Council on Thursday, May 13, 2004, at 2:00 p.m., in the City Council Chamber.

The meeting of Roanoke City Council reconvened on Friday, May 7, 2004, at 8:30 a.m., in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Smith presiding.

PRESENT: Council Members William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr. (arrived at 9:00 a.m.), Beverly T. Fitzpatrick, Jr., C. Nelson Harris, Linda F. Wyatt and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

OTHERS PRESENT: Council Member-Elect Sherman P. Lea; Ann H. Shawver, Deputy Director of Finance; George C. Snead, Jr., Assistant City Manager for Operations; M. Don Caldwell, Commonwealth's Attorney; Brenda L. Hamilton, Clerk of Circuit Court; and Sherman M. Stovall, Acting Director, Office of Management and Budget.

BUDGET: The City Manager advised that the purpose of the meeting was to convene in the Council's 2004-2005 Fiscal Year Budget Study.

The City Manager advised that she was requested by a Member of Council to provide information regarding the staffing level of Constitutional Officers, and staff seeks direction from the Council; whereupon, she called upon Sherman M. Stovall, Acting Director, Office of Management and Budget, to review charts showing the number of authorized Compensation Board positions and the change in funding for the Sheriff/Jail, Treasurer, Commissioner of the Revenue, Commonwealth's Attorney and Clerk of the Circuit Court:

**Constitutional Officer
State Compensation Board Positions - City of Roanoke Positions**

Constitutional Office	Compensation Board Positions	City of Roanoke Positions	Comments
Sheriff/Jail	205	209	Four positions added during FY 2003-04. Cost offset by Inmate Fee.
Treasurer	14 (1 position not funded)	15 (1 position not funded)	
Commissioner of the Revenue	12	16	
Commonwealth's Attorney	20 (3 positions not funded)	17 (2 positions not funded)	Includes Cost Collection position funded from collection efforts.
Clerk of Circuit Court	27	23 (1 position not funded)	State Compensation Board does not provide funding. Roanoke keeps all of the fees collected.

Change in Funding

Constitutional Officer	FY 2005 Budget Increase	FY 2005 State Funding	Change In Local Share Funding
Sheriff/Jail	\$1,092,765	(\$798,166)	\$811,217
Treasurer	\$20,935	(\$7,166)	\$ 28,101
Commissioner of the Revenue	\$29,191	(\$7,276)	\$ 36,467
Commonwealth's Attorney	\$ 65,101	(\$12,618)	\$77,919

Mr. Stovall advised that:

- Estimates established in the recommended budget for Constitutional Officers are based on the adjusted fiscal year 2004 estimate which was revised after the City adopted the fiscal year 2003 budget, inasmuch as the State, to date, has not adopted a budget.

- The table shows the change in local Sheriff funding based on the fiscal year 2005 budget increase, the anticipated change in State funding, and an increase in local Sheriff funding of \$811,217.00 for fiscal year 2005, which is driven by the addition of four positions that are offset by the inmate Collection fee; and the cost of VRS retirement increase, in the amount of approximately \$400,000.00 – \$500,000.00, which contribution rate increased from 11 per cent to 16.46 per cent.
- The reduction in State funding is the result of an adjustment in the revenue estimate since the Compensation Board provided the City with an erroneous revenue estimate for fiscal year 2003, therefore, the estimate in the current year is approximately \$700,000.00 higher, and, in essence, the State did not make an adjustment for the hold back of the revenue that the City receives for housing Federal prisoners.
- Local share funding in the Office of City Treasurer will increase approximately \$28,000.00 due primarily to the cost of the pay raise and other budget adjustments that are recommended for fiscal year 2005.
- Local share funding for the Commissioner of the Revenue, will increase \$36,000.00; local share funding for the Commonwealth's Attorney is projected to increase approximately \$78,000.00 some of which represents the cost of pay raise adjustments and salary adjustments for certain positions during the current fiscal year.
- Local share funding for the Clerk of Circuit Court will increase by approximately \$73,000.00 due to the pay raise and certain other supplemental funding that is recommended for fiscal year 2005.

M. Don Caldwell, Commonwealth's Attorney, advised that:

- Budget reductions for the Commonwealth Attorney's Office were perceived as mandatory reductions, and he was of the impression that he was required to reduce the budget of the Commonwealth's Attorney in view of the fact that the State was reducing its budget. In an office such as the Commonwealth's Attorney which is practically all salaried and is a service-oriented office, it means cutting positions.

- As related to Compensation Board positions, it behooves Council to look to the individual Constitutional Officer to provide the necessary input.
- The Commonwealth Attorney's Office is adequately staffed, secretarial-wise, due to automation since attorneys are computer literate and prepare their own briefs, etc.
- Associated with the budget reduction, the Commonwealth's Attorney lost one attorney position, which means one less attorney to try court cases.
- The City incorporated staff of the Commonwealth Attorney's Office into the City's Pay Plan, which, in most instances, is a better plan than the State's plan; and consequently, the City is incurring more costs, however, in an office like the Commonwealth's Attorney, salaries will be higher and present a larger percentage per person than certain other offices.
- He has worked diligently to hire experienced attorneys and to offer competitive salaries for attorneys because there is a definite advantage to sending an attorney into court with 10 - 15 years of experience versus an attorney with one to two years of experience.
- It has been his goal that the Commonwealth Attorney's Office will not be used as a training ground for attorneys to go into private practice; therefore, the City's support over the years has led to longevity, with one Commonwealth's Attorney who has 23 years of experience and others who are nearing 19 and 16 years, therefore, professional services are provided by the Commonwealth Attorney's Office.

Mr. Caldwell stressed the need to fill an attorney's position that has been vacant for two years due to State budget cuts.

The City Manager clarified that the position referred to by the Commonwealth's Attorney became unfunded two years ago when Council voted to pass through to every organization and agency any State budget reductions, at which time the Commonwealth's Attorney chose to keep the position vacant.

Brenda J. Hamilton, Clerk of Circuit Court, advised that:

- The Clerk of Circuit Court's operational budget in fiscal year 1999-2000 was \$140,000.00 and has steadily decreased.
- The Clerk is responsible for supplying personnel for the courts of the Twenty Third Judicial Circuit.
- Due to the work load of the Clerk's Office, she is requesting funds for a position that has not been filed for over a year.
- Judges of the Twenty-Third Judicial Circuit have expressed a need for four court reporters, as opposed to the current staffing level of two which requires moving Deputy Clerks from other assignments for court duty.
- Revenue producing measures have been discussed with the City Manager; i.e.: charging \$.50 per copy which could generate as much as \$8,700.00 in a two month period if properly collected through a card system for tracking purposes.

The City Manager clarified that \$25,000.00 was made available to the Clerk of Circuit Court for the purchase of automatic indicators for copy billing purposes, with the understanding that as soon as the system demonstrates that the Clerk is collecting in the \$8,000.00 range, the vacant position in the Clerk's Office could be filled; however, it now appears that the Clerk is expressing a need to fill the position in advance of receiving the automatic indicators for billing purposes.

It was further clarified that approximately \$30,000.00, which includes fringe benefits, will be needed for the position.

The Mayor requested a comparison of Police Department staffing levels versus Sheriff/Jail staffing levels of comparable size Virginia cities.

Following discussion, it was the consensus of Council to include funds in the fiscal year 2004-2005 budget to fill the attorney position in the Commonwealth Attorney's Office and the Deputy Clerk position in the Office of Clerk of Circuit Court.

The Director of Finance reviewed the following changes in local revenues and local revenue estimates:

Local Revenues

	FY 2004-05 \$ Change	FY 2004-05 % Change
Total Local Revenues	\$5,369,534	3.27%
Real Estate Tax	\$3,543,531	6.4%
Personal Property Tax	(\$120,867)	(.52%)
Prepared Food and Beverage Tax	\$225,905	3.0%
Business License Tax	\$268,290	2.4%
Sales Tax	\$1,042,000	5.8%
Transient Room	\$110,000	5.1%
Bank Stock	(\$17,000)	(1.67%)
All Other Local Revenues (Public Service Tax, Franchise Fees, Fines, Charges for Services, etc.)	\$317,675	.78%

Changes in Local Revenue Estimates

- **Personal property tax**
 - Estimate reduced by \$521,000 in light of reduction in current year levy
- **Public service corporation tax**
 - Estimate increased \$321,000 as a result of higher assessments in FY04
- **Bank stock tax**
 - Estimate increased by \$200,000 based upon increase in FY04 levy
- **Charges for services- sanitation**
 - Revenue estimate for loose leaf collection removed, a reduction of \$166,000.

Mr. Hall advised that:

- The total recommended budget is now approximately \$212 million, or \$166,000.00 less than that which was originally recommended.

- The revenue increase is about \$6.9 million, or down by \$166,000.00 than that which was originally recommended.
- The local revenue share is approximately \$5.4 million.
- Intergovernmental or State funding is about \$1.6 million of the total.
- Personal Property Tax shows a reduction compared to the current year budget of approximately \$121,000.00.
- When the estimate was previously presented, staff anticipated approximately a two per cent growth for the coming year over the current year; after reviewing the initial assessment prepared by the Commissioner of Revenue, the current year is down compared to prior years; information from the National Automobile Dealers Association was reviewed and, in general, there has been a sharper decline in the value of used cars over the past one to two years than had previously occurred; the sale of used cars is down slightly which can be attributed to various financing arrangements on new cars and factory rebates that have reduced the price of new cars.
- More less expensive new cars now being purchased, therefore, it was considered prudent to reduce the estimate for personal property tax for the upcoming year.

The City Manager expressed concern with regard to the decline in the City's population, vehicles with no decals or expired decals, action by the General Assembly to place a cap on personal property which will have significant implications for the City of Roanoke in the future if complete records are not available and if the City does not adequately assess personal property.

There was discussion in regard to discretionary funding; whereupon, the City Manager advised that any discretionary increases will likely occur on the school side of the budget.

Question was raised that if the General Assembly adopts a State budget in the near future, would such action give the City a basis for making the City's budget more realistic; whereupon, the City Manager advised that there will likely be no major adjustments to the City's budget.

Question was raised that if additional money is appropriated by the State to the school system, can local money be retrieved from the School budget for use on the City's side of the budget; whereupon, the City Manager advised that for a number of years an additional allocation above and beyond the formula that currently exists, or a little over \$205,000.00, has been specifically directed toward the pre-school program; at the time that correspondence was forwarded to the Schools indicating the local revenue that would be available to the schools, it was stated that should the State fully fund the pre-school program, the City would expect the \$205,000.00 to remain on the City's side of the budget. In reference to any additional money, the City Manager stated that it would be necessary for the Council and the School Board to revisit the funding formula for sharing local revenue growth.

Question was raised as to whether there is a precedent for an outside review of a Constitutional Office; whereupon, the City Manager advised that the most efficient way to address the matter would be through the review process by the Municipal Auditor; however, the key is how to use the results of the audit. She added that the Council and the City administration would need to be prepared for certain recommendations that could require additional resources, and possible creation of revenue generating positions that could require a mid year or sooner adjustment to the budget, with the understanding that the positions would be authorized with the intent of generating revenue in much the same way that Council agreed to provide the Treasurer with a locally funded position to advance the payment of delinquent taxes.

The Mayor spoke with regard to the decline in the City's population and expressed concern when there are not offsetting activities on the commercial/industrial side.

The City Manager advised that another concern relates to housing issues because the City of Roanoke cannot continue to be the low income capitol of southwest Virginia. She called attention to the demolition of derelict structures in the City, and advised that for fiscal year 2003, Council set a goal of 40, however, approximately 55 structures were demolished.

There was discussion with regard to the City's proactive efforts to attract technology-related businesses and the status of the City's efforts in regard to attracting new businesses and retaining current businesses; whereupon, the City Manager called attention to an increased interest in Warehouse Row, and, if Warehouse Row is not a suitable location, Economic Development staff currently work with companies to identify other locations, but the fact that the City of Roanoke is investing in Warehouse Row is bringing attention and interest to that part of the City. She advised that the City has made a small investment in two technology recognition programs in an effort to emphasize to the broader region that the City of Roanoke is open for business for technology activities; there is a need to work on the housing piece to be restrictive in some ways and liberal in others; plans are underway as soon as possible to bring to the Council the proposal for development of the property on Colonial Avenue so that people will see the need for other kinds of housing in the community. She called attention to the need to work on the perception of Roanoke's School system which is the biggest deterrent to Roanoke's becoming a successful community; and she has been visited by prominent leaders in the business community who have expressed concern and voiced a desire to be involved; it is her professional observation that it is necessary to immediately establish and follow through on higher expectations for conduct within Roanoke's schools, to set a community standard during the summer months so that when school starts in September, it will be a "new day;" and it will be necessary for the business community to support City Council and the School Board. She stated that there is also a concern in the business community as to whether or not construction/renovation of the high schools should proceed until issues with the school system have been resolved; the Chamber of Commerce is anxious to be a part of the process and the Council and the City administration can do certain things to change the situation, but change cannot be accomplished without the assistance of others in the community.

There was discussion in regard to a proposal presented to the City Manager by a group of citizens/business leaders who are in favor of having three high schools in the City of Roanoke and delaying renovations to Patrick Henry High School until a decision is made; whereupon, Vice-Mayor Harris advised that the real question is: can the City of Roanoke have two safe high schools and if the answer is yes, there is no need for three high schools; small schools, philosophically, are better and more manageable, but the City has been planning for the renovation/rebuilding of the two high schools; and the City is struggling financially to prepare for William Fleming High School renovations, therefore, how can the City financially plan for a third high school. He stated that he would not want the City to expend millions of dollars as an emotional reaction to the current crisis, the proposal to have three high schools was reviewed during calmer times and it was determined not to proceed in that direction. He added that at this point, to place Patrick Henry High School renovations on hold is the wrong message to send to the community and to the School Board.

Mr. Bestpitch advised that another option would be to begin planning to invest and grow the Blue Ridge Technical Academy to the point where it becomes the third high school over a period of time, which would attract students because of the curricula and opportunities that could be available, and also help to keep overall enrollment size down at the other two high schools.

Ms. Wyatt advised that some of the problems associated with behavior and discipline in the schools could be addressed through a kind of partnering between Social Service employees and School teachers. She stated that Social Service workers have the means to interact with parents when issues need to be addressed and through some type of creative thinking there could be a linkage between Social Service staff, teachers and parents.

The City Manager advised that there also needs to be dialogue with the judicial system to encourage enforcement the use of laws that are currently on the books because police officers become frustrated when they go through the judicial system and see the same people back on the streets.

(Vice-Mayor Harris left the meeting at 10:20 a.m.)

A joint report from the City Manager and the Director of Finance with regard to a cost-of-living raise for City retirees for fiscal year 2005, was before Council.

It was advised that:

- Retirees of the City of Roanoke Pension Plan (Plan) are awarded cost-of-living adjustments on an ad hoc basis by Council.
- The Plan does not include a provision for an automatic COLA due to the significant actuarial cost and related increase in the contribution rate.
- COLA's are not pre-funded in the Plan, but rather the increased cost is recognized when the increase has been awarded.
- Factors that are considered as part of the recommendation for an annual adjustment are the change in the Consumer Price Index, increased cost to the Plan, amount of raises provided by similar Plans within the State, and the amount of increase provided by Social Security.

- Eligible members of the City of Roanoke Pension Plan received a 1.4 per cent COLA on July 1, 2003, compared to a 2.25 per cent raise given to active employees.
- The 1.4 per cent COLA provided to retirees was the same percentage as the COLA given by Social Security, which is tied to the Consumer Price Index.
- City of Roanoke retirees have received the same per centage COLA as given by Social Security for the past several years.
- The recommended budget for fiscal year 2005 includes a three per cent raise for active employees.
- Social Security provided a 2.1 per cent increase for calendar year 2004 and the same is being recommended for City retirees.
- An attachment to the report lists the percentage increases either granted or to be recommended by nine other Plans within the State, including the Virginia Retirement System.
- The recommended increase applies to those retirees who retired on or before July 1, 2003; approximately 1,457 of 1,530 retirees, or 95 per cent of those receiving benefits as of March 31, 2004, will be eligible for the increase; the increase will apply to a member's or surviving spouse's annual retirement allowance, excluding any incentive payments made under the Voluntary Retirement Incentive Program established by Ordinance No. 30473-41591, adopted on April 15, 1991, or to the retirement supplement paid according to Section 22.2-61, Code of the City Code.
- The contribution rate for fiscal year 2005 will increase from 7.59 per cent to 9.56 per cent of payroll; the additional cost to the General Fund is approximately \$1,040,000.00; all City operating funds, along with the Roanoke Regional Airport Commission, School Board, Roanoke Valley Resource Authority, Roanoke Valley Detention Commission, Western Virginia Water Authority, and the Commonwealth of Virginia will assume their pro rata cost for funding the COLA.

- The proposed 2.1 per cent increase to eligible members of the Plan, effective July 1, 2004, will increase the average annual retirement allowance by approximately \$238.00, costing the Plan an additional \$346,955.00 annually; the actuarial cost of a 2.1 per cent COLA is estimated at \$3.3 million to be funded over the next 20 years through the annual payroll contribution rate, which results in an increase of approximately \$220,000.00 in annual contributions to the Plan.
- Consideration was given to a request by the President of the Roanoke City Retirees Association, to provide a supplement toward health insurance for employees 65 years of age and older; the current supplement provides a monthly benefit to those employees with 20 or more years of service to age 65 (Medicare eligibility date) in an amount equal to 75 per cent of the amount the City of Roanoke contributes monthly towards the cost of a single active employee's health insurance; the supplement for the calendar year 2004 is \$206.25; modifying the supplement to a lifetime benefit for current and future retirees would increase the fiscal year 2005 contribution rate from 9.56 per cent to 12.68 per cent, requiring an additional contribution of \$2,125.00.

The City Manager and the Director of Finance recommended a 2.1 per cent COLA for eligible retirees, and advised that while consideration was given to extending the supplement after Medicare eligibility age 65, due to the significant cost, no change is recommended to the supplement at this time due.

The City Manager advised that after researching the matter, it was discovered that it is a rare occasion when an employer provides health insurance to retirees past the age of 65, since the Medicare supplement is provided at that point.

Ms. Wyatt inquired about the possibility of allowing retirees to purchase a prescription card through the City's health insurance carrier; whereupon, the City Manager advised that the question could be raised with Anthem Blue Cross Blue Shield when the City's policy is reviewed for renewal.

The Director of Finance advised that City retirees are fortunate in that the City pays a higher percentage of salaries to its retirees than almost any Plan in the Commonwealth of Virginia; the City's Plan pays approximately a 25 per cent greater benefit than the Virginia Retirement System; several years ago, when Council increased what is called the "multiplier" and enacted the "rule of 70/80" for employees, in essence, City employees may retire at an earlier age without any reduction in earned benefits; however, insurance then becomes an issue.

Council Member Dowe left the meeting.

Mr. Bestpitch suggested that a response be formatted by staff to City retirees reiterating past actions taken by the City for their benefit that participants of other pension plans do not receive and pointing out the current economic climate does not give the City the same latitude in addressing their requests. With regard to the cost of prescription drugs, he suggested that Council consider the adoption a resolution to be forwarded to the City's Congressional delegation and to the President of the United States calling attention to the problem on behalf of all retirees over the age of 65. He stated that the situation cannot be resolved at the local level, but action is needed at the national level to address what Medicare offers to the elderly today versus what the historic expectation has been.

The City Manager referred to a communication providing additional information as a result of comments made by citizens during the fiscal year 2004-2005 budget public hearing on Thursday, April 29, 2004.

- Fair Housing Board:

The Fair Housing Board has revised its request for funding to out source the tracking of Fair Housing complaints; in a letter dated April 30, 2004, Nancy Canova, Chair, Fair Housing Board, indicates that not more than one-half hour of additional staff time per month is required to facilitate the collection of information on fair housing complaints; the importance of collecting and tracking information on complaints is understood, and the City can accommodate the request.

- West End Center:

Members of Council received copy of a letter (e-mail) from Kay Hale, dated April 29, 2004; it appears that there is a willingness to accept the revised recommendation of \$9,000.00; however, the issue of whether the funding request is for the continuation of an existing program or a new program remains an issue; staff has evaluated the issue several times over the past few weeks; and staff continues to be of the opinion that the application for funding represents the continuation of a currently funded program, subject to the three year, decreasing funding provision.

Over the past week, questions and concerns with respect to implementation of the HUD funds policy have been raised; there is some concern that larger organizations, which currently receive funding for multiple programs, will recreate and repackage programs to continue to receive funding; the HUD Funds Policy is program specific, rather than agency specific; an agency can have more than one program receiving HUD funds; and each program may, or may not, be subject to the three-year policy and at different states of exhausting their eligibility for funding.

With respect to whether an agency can discontinue one program and start another, if the new program is essentially the same as the old program, it cannot avoid the three-year limit; any funding application submitted has to be rated high enough in terms of need, cost, prior performance of the agency, and other criteria among the competing applications to be recommended for a portion of the funds available in its category.

As a point of reference, the West End Center has received approximately \$451,000.00 in CDBG funding over the past ten years; over the past five years, the West End Center has received \$180,000.00 from the Human Services Committee for its programs and a recommendation to provide \$40,000.00 in Human Services Committee funding for fiscal year 2004-2005 is pending.

Mr. Bestpitch advised that approximately four years, the City Manager identified the fact that the City had a number of staff positions that were being funded primarily from CDBG monies and those employees were not being treated fairly when compared to other City employees, therefore, the decision was made to place those positions in the General Fund, with employees to receive the same benefits as other City employees. He stated that approximately three years ago, Council made a decision in regard to the way CDBG money is used overall, by concentrating on identifying those areas where there are unmet needs. He advised that if the City is no longer planning to use a major portion of CDBG funds for ongoing annual operating support for these programs, it is then necessary to look at how the City can provide the kind of unrestricted support that many of the agencies can leverage with foundations, other organizations and the community as a whole, in order to continue to provide services. He pointed out that funding has not been decreased for cultural service organizations and it does not make any difference as to whether their funds started out as CDBG dollars or General Fund dollars, etc. He advised that the point was made by West End Center representatives, which could be applicable to other agencies, that if they help only a small number of children and families, their assistance keeps those children /families from accessing Comprehensive Services Act dollars, but conversely if the West End Center has to cut back on the number of youth it can serve, or look at closing its doors, not a large number of youth will have to get trouble and be referred to Family Assessment and Planning teams before depleting Comprehensive Services Act money. He called attention to the \$185,000.00 invested by the City for a building that was purchased by the West End Center; however, no activity has taken place to date, and suggested that there be dialogue between the City and representatives of the West End Center regarding what the City can do to help the West End Center and what the City needs from the West End Center in return for its \$185,000.00 investment.

Mr. Fitzpatrick spoke to the feasibility of human service organizations pooling resources and/or establishing an overall issue-oriented strategic plan.

The City Manager expressed concern with regard to the level of Comprehensive Services Act expenditures that the City of Roanoke provides; when reviewing Virginia First Cities Coalition data, Roanoke ranks fifth population wise and approximately fifth in expenditures in all other categories, however, the City of Roanoke ranks third in Comprehensive Services Act expenditures; i.e.: the City of Roanoke has higher expenditures and greater numbers of children than much larger cities in the First Cities group. She advised that City staff is conducting an intensive review of Comprehensive Services Act expenditures; it has been discovered that approximately 75 per cent of all City CSA expenditures are spent on 25 per cent of the children and staff has begun a process that will help to zero in on the issues, the types of children, which specific children are causing certain expenditures, and what kinds of resources are needed both in a treatment mode and in a prevention mode in the future. She further advised that

the Roanoke Redevelopment and Housing Authority has convened a group of major human service agencies who will meet on a regular basis to share information and the City's Director of Human Services has been invited to assume a leadership role.

The City Manager stated that approximately three years ago, when Council acted on the policy in regard to CDBG funds, City staff was asked to think about the time when some of the agencies would have to be "weaned off" of CDBG funds; and the budget of the Human Services Committee has grown over the last four years by almost \$100,000.00 in an effort to make more funds available.

With regard to the building purchased by the West End Center, the City Manager advised that the matter was not initiated by City staff; as arts and cultural organizations and some human service agencies have seen their funding sources decrease, they have made budgetary adjustments, but the real issue is how much should local government act as a kind of safety net. She stated that City staff will make substantial recommendations to Council over the next year relative to human services; and if the City can begin to develop certain programs with the input of its youth, the City will be more into the prevention mode than it has been in the past.

In terms of transitioning from reliance on CDBG funds for ongoing operating support to human services organizations, as opposed to "weaning" the organizations from the funding pool, Mr. Bestpitch advised that the City has not told the Art Museum, or other cultural organizations, that they will be "weaned off" of City support; therefore, he requested a clarification of the overall picture; i.e.: "if you take the CDBG money and the human service money together for the last five years for operating support for those programs, where do we stand relative to where we have been over the last few years." He requested a response from the City Manager at the budget study session to be held on Monday, May 9, 2004. He offered his assistance to City staff in regard to their study of the Comprehensive Services Act inasmuch as he has served on various FAP teams in the past.

Following further discussion and in clarification, the City Manager advised that unless otherwise directed by the Council, \$9,000.00 will be included in the 2004-2005 fiscal year budget for the West End Center for Youth.

- Pay for Performance:

In response to the comments made on pay for performance, the pay increase will be 3.0 per cent of base pay for employees who receive a rating of 80 to 90; the amount budgeted for the pay raise is generally based on the average score from the previous year – 86; pay increases will be based on broad bands instead of .10 per cent increments for each one point change in the rating as was done last year; for performance evaluations completed during fiscal year 2003, five per cent of employees received a rating below 80 and 12 per cent of employees received a rating above 90; providing a 3.5 per cent pay raise across the board, as suggested by a speaker at the public hearing would cost an additional \$380,000.00.

The scoring system has been revised from a three-level system to a five-level system as a result of concerns raised by employees and supervisors that the three-level system did not provide sufficient flexibility to evaluate employees; and this revision has been favorably received by the Pay for Performance Task Force.

The City Manager advised that as a result of employee input, the Pay for Performance Program has gone from a three level to a five level rating system. She stated that the problem appears to be concentrated in a specific area of the City's workforce as opposed to being wide spread; pay for performance represents a significant change because both supervisors and employees are being asked to be accountable; and as City Manager, she has stated that she is expecting far more from supervisory staff this year in terms of how they perform, and guidelines provide that the City Manager's Office does not review appraisals unless the City Manager is a part of the specific review.

The City Manager made reference to the Mennell property to be acquired in connection with the Riverside Center for Research and Technology, and advised that a Letter of Credit will be issued for the 18 months between the down payment on the purchase and the final installment. She advised that the City plans to issue bonds in approximately 18 months to actually bring forward the balance, or \$5.4 million, needed to purchase the Mennell property; Carilion will bring \$2.5 million to the table by purchasing all property in Phase I; the Letter of Credit will cost the City approximately \$16,000.00 per year; Mr. Mennell originally asked for an unconditional sales contract and agreement, but is now insisting on additional security in the form of a Letter of Credit which guarantees that if for some reason Council chose not to issue the bonds for \$5.4 million, Mr. Mennell would get his money through the Letter of Credit.

A suggestion was offered that the \$16,000.00 be deducted from Mr. Mennell's proceeds from sale of the property.

The City Manager advised that it is her personal preference to do nothing with demolition of the buildings on the site until a land use plan is approved by Council; Mr. Mennell has stated that it will take approximately three years to vacate the property; and Council should have the opportunity to decide on whether any or all of the buildings will be demolished.

Mr. Bestpitch encouraged support of activities in Elmwood Park, such as the Easter Seals Concert series. He suggested that organizations such as Mill Mountain Theater, The Roanoke Symphony Orchestra and Opera Roanoke be encouraged to hold at least one outdoors fund raising event in Elmwood Park.

There being no further business, at 12:05 p.m., the Mayor declared the meeting in recess until Monday, May 9, 2004, at 8:30 a.m., for a joint meeting of Council and the Roanoke City School Board.

The Council meeting reconvened in Fiscal Year 2004-2005 Budget Study on Monday, May 9, 2004, at 8:30 a.m., in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Ralph K. Smith and Chairperson Gloria P. Manns presiding.

COUNCIL MEMBERS PRESENT: William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr. (arrived late), Beverly T. Fitzpatrick, Jr., C. Nelson Harris, Linda F. Wyatt and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

SCHOOL TRUSTEES PRESENT: Kathy G. Stockburger, David B. Trinkle, Ruth C. Willson, William H. Lindsey, Alvin L. Nash, Gloria P. Manns, Chair-----6.

ABSENT: Robert J. Sparrow-----0.

OFFICERS PRESENT: Representing the City of Roanoke: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

Representing the Roanoke City School Board: Dr. E. Wayne Harris, Superintendent; and Cindy L. Lee, Clerk to the School Board.

OTHERS PRESENT: Timothy R. Spencer, Assistant City Attorney; Richard R. Kelley, Assistant Superintendent; George C. Snead, Jr., Assistant City Manager for Operations; Rolanda B. Russell, Assistant City Manager for Community Development; and Drew A. Harmon, Municipal Auditor.

Dr. Harris reviewed the following with regard to the 2004-2005 School Budget:

- Budget Priorities:

Maintain level of educational services to include the high school seven period day.

Increase debt service for the Roanoke Academy of Mathematics and Science and high school projects.

Raise the competitiveness of employee salaries and preserve fringe benefits.

Increase staffing for nursing, guidance, technology, security and instructional support.

- Revenue Summary:

State Revenue	=	\$4.62 million (8.6 per cent)
Other Revenue	=	\$425,000.00 (10.1 per cent)
City Revenue*	=	\$2.06 million (4.2 per cent)

Total Revenue Increase = \$7.1 million (6.5 per cent)

*Based on April update

- Maintenance of Services Budget Changes:

State increase in VRS rate = \$2.1 million
Seven period day + \$950,000.00

Debt service costs for Roanoke Academy of Mathematics and Science and high schools = \$665,000.00

Discipline initiatives = \$315,000.00

Net inflation, personnel lapse, contingencies = \$230,000.00
(decrease)

Total increase = \$3.8 million

- Employee Salaries:

Teacher average salary raise of 3.0 per cent = \$1.54 million
Administrator average raise of 3.0 per cent = \$177,000.00
Classified average salary raise of 3.25 per cent = \$420,000.00

Total Salary Raises = \$2.14 million

- Decision Package Recommendations:

Middle School Nurses – \$84,000.00
Middle School Guidance – \$54,000.00
Technology staff – \$54,000.00
High School Security staff – \$38,000.00
Coaches Scale increase – \$58,000.00
Instructional Support staff – \$125,000.00

Total Cost = \$412,000.00

- Unfunded Priorities:

Instruction Support staffing 3.0 full time employees = \$160,000.00
Middle School Nurses = \$84,000.00
Middle School Guidance one full time employee = \$54,000.00
Technology staff one full time employee = \$57,000.00
Full-Time Athletic Trainers = \$62,000.00
Employee salary raise of 2.0 per cent = \$1.42 million
Patrick Henry Debt Reserve – TBD

Total Cost = \$1.84 million

- Budget Summary:

Maintenance of Services = \$3.8 million
Employee Salary Raises (3.0/3.25 per cent) = \$2.14 million
Secretarial Reclassifications = \$288,000.00
Decision Package Recommendations = \$412,000.00
Total Cost = \$6.63 million

- Budget Update:

Additional City Revenue – \$620,000.00

State revenue change – unknown

School Board will allocate additional City and State revenue to unfunded priorities

Dr. Harris advised that the School Board will be briefed at its meeting on Tuesday, May 10, 2004, with regard to any additional State revenue to be received by the Schools.

Question was raised by a Member of Council as to whether opportunities to coordinate City and School programs have been reviewed; i.e.: an upgrade in the salaries for secretarial staff to ensure that School support staff and City support staff are comparatively compensated.

Dr. Harris responded that no study has been conducted since 1995-96; however, it is known that responsibilities for clerical staff in the School system have increased, while employees have received minimal salary increases.

The City Manager advised that a study could be made of those City and School positions that have a level of comparability for bench marking purposes.

Ms. Stockburger advised that the School Safety Task Force will present its report on May 21 and referred to the \$315,000.00 recommended for discipline initiatives in the School Board's 2005 budget. She further advised that certain recommendations from the Task Force may warrant increasing the amount of funds to be budgeted; i.e.: de-escalation training for teachers.

Dr. Harris was requested to speak to the benefits of a seven period day; whereupon, he advised that the seventh period will give students an option to take more courses and a wider variety of courses; and a zero period, in addition to the seventh period, is under consideration, although the zero period will probably not be offered during the first year of implementation of the seventh period day.

In addition to a comparative salary study of City/School secretarial staff, the Mayor suggested that the study include ways in which the City and the Schools can share resources; i.e.: parks and recreation, purchasing, etc, to achieve greater efficiencies.

Upon question by the Mayor, the City Manager advised that the matter could be discussed at the joint meeting of Council and the School Board on Tuesday, July 6, 2004.

Mr. Fitzpatrick suggested that the study be prepared in such a way that it can be shared with other governmental entities.

Superintendent Harris advised that this will be his last meeting with Council and the School Board in a joint session; whereupon, he commended the present Council and past City Council's for implementing a formula for sharing State revenue. He stated that he has been proud to serve as Superintendent of Schools for the City of Roanoke for the past 11 years and is proud of the many accomplishments of the Roanoke City Public School System. He expressed appreciation for the support of City Council and the School Board during his tenure, which support has made the job less challenging and allowed the Superintendent and School staff to go about the business of educating Roanoke's children. He stated that education is important in the Roanoke community and has been demonstrated by Council's funding of education which has become a priority through the funding of school facilities; and schools are among the greatest economic tools of the City, therefore, he encouraged Council and the School Board to continue their support of education. He stated that the fact that he has spent 11 years, or almost-one-third of his time in public education in the City of Roanoke, represents two times longer than the average tenure of a superintendent in a large city, two times longer than a superintendent in any city on average, and four years longer than the average superintendent across the country, therefore, longevity speaks for itself. He advised that data which supports what has occurred in the City of Roanoke cannot be denied. with accreditation acknowledgment at an all time high in Roanoke City Schools. Because of all of the employees who have stood behind, beside and in front of the School Board and the School Superintendent, he stated that Roanoke City is a great place to live and to educate children.

Council Member Dowe entered the meeting.

Dr. Cutler referred to a communication from the Board of Directors, Valley Bank, suggesting that the Roanoke Academy of Mathematics and Science be named in honor of the late Lawrence H. Hamlar; whereupon, Chairperson Manns advised that numerous recommendations for naming the facility have been received and are under consideration by the School Board.

Vice-Mayor Harris expressed appreciation to Superintendent Harris for his service and leadership as Roanoke's Superintendent of Schools. He advised that during his interview for the position of School Superintendent, Dr. Harris stated that he had a passion for education and would set lofty goals for Roanoke City, and Vice-Mayor Harris noted that Dr. Harris' passion for education can be seen in

the high test scores of Roanoke's students, changing the gap between minority and majority students, completion of middle school renovation projects, teacher salaries have been upgraded to the national level, and the City is now on the eve of commencing Patrick Henry High School renovations. Vice-Mayor Harris expressed his personal appreciation for the quality of Roanoke's School System under the leadership of Dr. Harris, and wished him well in his future endeavors after June 30, 2004.

Vice-Mayor Harris also expressed appreciation to Ruth Willson for her six years of conscientious service as a member of the Roanoke City School Board.

Mr. Fitzpatrick expressed appreciation to Dr. Harris for his service to the City of Roanoke. He advised that Dr. Harris has faced challenges, and the most difficult challenge that any individual could assume is to serve as a superintendent of an urban school system. He stated that it is hoped that the community will come to realize the progress that has been made under Dr. Harris' leadership; he is a man of integrity and the issues that have been raised have not been about his trust and faith in the Roanoke community.

There being no further business to be transacted with the School Board, the Mayor declared the meeting in recess at 9:25 a.m.

The Council meeting reconvened at 9:30 a.m., in the same location, with Mayor Smith presiding and all members of the Council and City staff in attendance.

As previously requested by the Mayor, the City Manager presented the following information on Fiscal Year 2003-2004 staffing and adopted budget data for the Sheriff/Jail and Police Departments for Roanoke, Alexandria, Danville, Hampton, Lynchburg, Newport News, Norfolk, Richmond and Suffolk.

FY2003-04 STAFFING AND ADOPTED BUDGET DATA FOR SHERIFF/JAIL AND POLICE DEPARTMENTS FOR SELECTED CITIES

	Roanoke	Alexandria	Danville	Hampton	Lynchburg	Newport News	Norfolk	Richmond	Suffolk
Population	94,911	128,283	48,411	146,437	65,261	180,697	234,403	197,790	63,677
Sheriff/Jail Budget	\$13,517,702	\$19,920,963	\$3,845,007	\$7,178,253	\$1,475,709*	\$9,106,747	\$27,897,700	\$22,885,536	\$1,323,398*
Sheriff/Jail Staffing Positions	205	211	76	184	27 *	181	468	466	21 *
Police Budget	\$16,920,668	\$42,025,653	\$6,360,021	\$14,777,605	\$10,553,567	\$33,483,062	\$52,743,900	\$56,079,334	\$9,472,981
Police Staffing Positions	304	430	146	319	190	531	874	821.5	175

* This locality does not have a local jail.

Ms. Wyatt inquired as to why the Sheriff was not invited to attend the meeting to address questions, nor was he present for the discussion that occurred on Friday, May 7, 2004, with the Commonwealth's Attorney and the Clerk of Circuit Court. The City Manager responded that she was instructed by a Member of Council to invite the Commonwealth's Attorney and the Clerk of Circuit Court to Friday's budget study session, but she was provided with no background other than to provide data.

In a discussion, other members of Council stated that the data was provided solely for information purposes and no action was proposed to be taken by the Council.

The Mayor advised that the numbers speak for themselves, however clarification is needed; i.e.: what are the revenue sources for the various budgets, is there a disparity in duties of the Police Department and the Sheriff's Department, what is being done in the private sector, and where does the City need to work harder and smarter, etc.

Pursuant to the request of Council Member Bestpitch, the City Manager presented a five year history of Community Development Block Grant funding and Human Services Committee funding.

CDBG Human Services Funding								
Five-Year History								
Prepared/Updated: 5-7-04								
	Pre HUD Policy		Under HUD Policy					
					Policy Decrease		Policy Decrease	Total 5-Year CDBG Funding for Agency
Agency	00/01	01/02	02/03	03/04	From Prior Yr	04/05	From Prior Yr	
Apple Ridge Farm	24,000.00	26,000.00	26,000.00	17,420.00	(8,580.00)	8,580.00	(8,840.00)	102,000.00
Blue Ridge Housing Development Corporation	8,000.00							8,000.00
Blue Ridge Independent Living Center	12,084.00	14,000.00	25,000.00	16,750.00	(8,250.00)	8,250.00	(8,500.00)	76,084.00
Boys and Girls Club	12,000.00	13,842.00		25,200.00		15,000.00		65,842.00
Child Health Investment Partnership	10,000.00	12,000.00	26,816.00	17,699.00	(9,117.00)	8,850.00	(8,849.00)	75,365.00
Conflict Resolution Center		14,000.00						14,000.00
Family Services of Roanoke Valley		16,000.00				41,969.00		57,969.00
Fifth District Employment & Training Consortium	61,087.00	43,000.00	25,000.00	16,750.00	(8,250.00)			145,837.00
Girl Scouts of Virginia Skyline Council	12,000.00	14,000.00						26,000.00
Health Department	26,155.00	28,000.00	32,237.00	20,000.00	(12,237.00)	10,638.00	(9,362.00)	117,030.00
Office on Youth	35,761.00	30,000.00						65,761.00
Presbyterian Community Center			50,000.00	68,000.00		30,000.00	(16,500.00)	148,000.00
Roanoke Adolescent Health Partnership	18,948.00	21,000.00						39,948.00
Southwest Virginia Second Harvest Food Bank		9,000.00						9,000.00
Total Action Against Poverty	24,124.00	26,000.00	25,000.00	33,442.00		61,883.00	(11,036.00)	170,449.00
West End Center for Youth	24,833.00	27,000.00	27,000.00	17,886.00	(9,114.00)	9,000.00	(8,886.00)	105,719.00
YMCA Family Center Branch	21,662.00	23,000.00	25,000.00	16,750.00	(8,250.00)			86,412.00
YMCA of Roanoke Valley	20,690.00	21,727.00	39,611.00	32,297.00	(7,314.00)	30,603.00	(1,694.00)	144,928.00
YWCA	17,139.00	19,000.00	25,000.00	16,750.00	(8,250.00)	48,004.00	(8,250.00)	125,893.00
Total CDBG Human Services Funding	328,463.00	357,369.00	326,664.00	298,944.00	(79,362.00)	272,777.00	(81,917.00)	1,584,217.00

Notes:

1. Data shown aggregate all programs for each agency for the given year, but exclude funds for capital improvement activities.
2. CDBG 3-year policy was waived for programs operating in Southeast while funds were being targeted to that area of the city. This affected the Presbyterian Community Center, Boys and Girls Club, and YMCA of Roanoke Valley for 03/04 and 04/05. The YMCA had two sites, only one of which was in Southeast and held harmless.
3. The 03/04 data for Presbyterian Community Center include \$18,000 for Southeast Healthcare Transportation services. PCC agreed to sponsor this for the neighborhood.
4. The 03/04 data exclude \$7,500 in mini-grants to various neighborhood organizations that were required for technical reasons to be counted as CDBG human services.
5. The 04/05 data for TAP include the new Women's Resource Center program (\$39,477) and second year funding of \$22,406 for its Individual Development Accounts program. The IDA program was the one where the policy decrease occurred.
6. The 04/05 data for the YMCA of Roanoke Valley includes the new School-Age Therapeutic Childcare program (\$39,754) and third year funding of \$8,250 for its Youth Club program. The Youth Club program was the one where the policy decrease occurred.

Human Services Funding						
Five-Year History						
Prepared/Updated: 5-7-04						
Agency	00/01	01/02	02/03	03/04	04/05	Total
Apple Ridge Farm				7,795	10,000	17,795
Adult Care Center of Roanoke Valley, Inc.	6,000	6,000	6,600	7,000	7,000	32,600
Bethany Hall	7,500	7,500	7,500	10,000	10,000	42,500
Big Brothers/Big Sisters of Roanoke Valley, Inc.	7,000	7,000	7,000	3,000	3,000	27,000
Blue Ridge Independent Living Center	2,000	2,000	2,200	10,000	5,803	22,003
Blue Ridge Legal Services, Inc.			3,000	3,000	6,000	12,000
Boys and Girls Club	3,000	3,000	0	10,000		16,000
Bradley Free Clinic	22,500	22,500	30,000	30,000	30,000	135,000
Brain Injury Services of Southwest Virginia				10,000	7,500	17,500
Child Advocacy Center	4,000	4,000	4,000	5,000	7,500	24,500
Child Health Investment Partnership	45,000	45,800	45,800	52,000	60,000	248,600
Conflict Resolution Center	6,000	6,000	6,000	6,000	5,500	29,500
Council of Community Services	18,600	24,369	24,369	24,064	24,650	117,052
Downtown Music Lab				4,000	4,000	8,000
Family Services of Roanoke Valley	39,000	39,000	39,500	42,500	54,500	214,500
Fifth District Employment & Training Consortium				5,000		5,000
Girl Scouts of Virginia Skyline Council	5,000	5,000	5,000	5,000	4,000	24,000
Good Samaritan Hospice	1,000	1,000	1,000			3,000
Goodwill Industries of the Valley, Inc.	38,000	38,000	38,000	30,000		144,000
Greenvale School	8,000	9,000	9,000	10,000	11,000	47,000
Inner City Athletic Association	5,000	5,000	5,000	4,000	5,000	24,000
League of Older Americans, Inc.	28,000	29,000	29,000	29,000	28,000	144,000
Literacy Volunteers of America - Roanoke Valley	1,000	1,000	1,000			3,000
Mental Health Association of Roanoke Valley	1,800	2,000	2,200	2,300	2,500	10,800
National Conference for Community and Justice	2,000	2,000	2,000	2,000	3,000	11,000
National Multiple Sclerosis Society	1,000	1,000	1,495			3,495
Northwest Child Development Center	20,000	20,000	20,000	20,000	20,000	100,000
Planned Parenthood of Blue Ridge	4,000	4,000	4,000	5,000	5,000	22,000
Presbyterian Community Center	0	4,000	4,000	0	2,500	10,500
Roanoke Adolescent Health Partnership	8,000	9,500	9,500	10,000	20,000	57,000
Roanoke Area Ministries	40,000	40,000	40,000	30,000	30,000	180,000
Roanoke Valley CASA	6,000	6,000	6,000	5,000	3,000	26,000
Roanoke Valley Interfaith Hospitality Network				5,000	8,000	13,000
Roanoke Valley Speech and Hearing Center, Inc.	3,500	3,500	3,500	3,500	3,500	17,500
Salvation Army	27,000	28,000	28,000	28,000	28,000	139,000
Southwest Virginia Second Harvest Food Bank	14,641	15,000	15,000	15,000	15,000	74,641
St. John's Community Youth Program	5,000	5,000	5,000	5,000	5,000	25,000
TRUST	7,600	7,600	7,600	8,000	10,000	40,800
Unified Human Services Transportation System	24,000	24,000	24,000	20,000	22,000	114,000
West End Center for Youth	35,000	35,000	35,000	40,000	40,000	185,000
YMCA of Roanoke Valley	8,500	9,000	9,000	19,000	19,000	64,500
YWCA	2,800	4,000	4,000	15,000	30,000	55,800
	458,441	474,769	484,264	540,159	550,962	2,508,595

Mr. Bestpitch reiterated his previous remarks regarding the decrease in CDBG funding for Human Service agencies and encouraged the City to look at whether it is continuing to do its fair share as a part of the overall picture.

Sherman M. Stovall, Acting Director, Office of Management and Budget, advised that this year, the budget of the Human Services Committee was not grown at a level equal to the growth of the budget, and the figure was based on the growth in the City's discretionary revenues.

The City Manager advised that the necessary budget adjustments will be provided to Council on Tuesday, May 11, 2004, incorporating the request of the Commonwealth's Attorney and the Clerk of Circuit Court to fill a position in each office as presented to the Council in budget study on Friday, May 7, 2004, in the amount of approximately \$80,000.00. She inquired if there were other adjustments to the fiscal year 2004-2005 budget by Council. Hearing no further suggestions, the City Manager advised that the appropriate measures to enact the Fiscal Year 2004-2005 Budget of the City of Roanoke will be presented to the Council at a Special Meeting to be held on Thursday, May 13, 2004 at 2:00 p.m., in the City Council Chamber.

There being no further business, the Mayor declared the meeting adjourned at 9:55 a.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor



CITY OF ROANOKE

OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
 215 Church Avenue, S.W., Room 364
 Roanoke, Virginia 24011-1591
 Telephone: (540) 853-2333
 Fax: (540) 853-1138
 CityWeb: www.roanokegov.com

July 6, 2004

Honorable C. Nelson Harris, Mayor
 Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
 Honorable M. Rupert Cutler, Council Member
 Honorable Alfred T. Dowe, Jr., Council Member
 Honorable Sherman P. Lea, Council Member
 Honorable Brian J. Wishneff, Council Member
 Honorable Council Member

Dear Mayor Harris and Members of Council:

Subject: Request to Schedule a Public
 Hearing

Background:

Triton PCS Property Company, LLC, contacted City staff about leasing City-owned property to locate a monopole antenna and support building. The antenna is needed to provide uninterrupted cellular telephone service in parts of the City. According to Triton, there is insufficient coverage in certain areas of the City, which leads to lost calls as cellular telephone users travel throughout the community. To alleviate this problem, Triton has proposed a five year lease of vacant land at the Civic Center to install a new antenna at this strategic location for better service to its customers. Estimated revenue for the five year lease agreement is \$9,725. A public hearing is required to consider leasing land to Triton.

Recommended Action:

Authorize the scheduling and advertising of this matter for public hearing on your July 19, 2004 agenda.

Respectfully submitted,


 Darlene L. Burcham
 City Manager

DLB:slm

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Wilhemina Boyd, Civic Facilities Director
Elizabeth A. Neu, Economic Development Director

CM04-00120

**RETIREMENT ADMINISTRATION**

Noel C. Taylor Municipal Building
215 Church Avenue, SW, Room 461
Roanoke, Virginia 24011
540.853.2062 fax: 540.853.6142

July 6, 2004

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of Council:

Attached for your review is a summary of the Roanoke Pension Plan Board of Trustees' activities for the time period July 1, 2003 through June 30, 2004. The written minutes of each Board of Trustees meeting are located in the office of the Retirement Administrator, Andrea F. Trent.

On behalf of the appointed members of the Board of Trustees, we would like to take this occasion to thank City Council for the opportunity to be of service to our City.

Sincerely,

David C. Key
Chairman

DCK:ca

Attachment

c: Mary F. Parker, City Clerk
Board of Trustees, City of Roanoke Pension Plan

**Annual Report
City of Roanoke Pension Plan Board of Trustees
June 30, 2004**

There were four meetings scheduled during the above referenced time period.

July 9, 2003 Meeting

Members present: David C. Key
Jesse A. Hall
Cyril "Jimmy" Goens
George F. Taylor
Donna S. Johnson
Efren T. Gonzalez

Members absent: Mayor Ralph K. Smith
Darlene L. Burcham
D. Duane Dixon

The Board approved:

- 1 retirement from Employees' Retirement System (ERS);
- 13 retirements from Employee's Supplemental Retirement System (ESRS);
- 1 retiree death with application for spousal allowance.

The Board denied:

- 1 non-occupational disability from ESRS.

The Board voted unanimously to appoint George F. Taylor to the Pension Investment Committee.

The Certificate of Achievement for Excellence in Financial Reporting from GFOA was received for the FY02 Pension CAFR.

Fiduciary Capital Advisors' quarterly investment update was presented by Ms. Trent.

A 1.4% Cost-of-Living Adjustment was approved by City Council for FY 2003-2004.

October 8, 2003 Meeting

Members present: David C. Key
Donna S. Johnson
Efren T. Gonzalez
Darlene L. Burcham
Jesse A. Hall
D. Duane Dixon

Members absent: Mayor Ralph K. Smith
Cyril "Jimmy" Goens
George F. Taylor

The Board approved:

- 5 retirements from ERS;
- 16 retirements from ESRS;
- 1 non-occupational disability from ESRS; and
- 1 retiree death with application for spousal allowances.

The Board denied:

- 1 non-occupational disability from ESRS.

The Board tabled:

- 1 non-occupational disability from ESRS until further information can be obtained.

Fiduciary Capital Advisors' quarterly investment update was presented by Mr. Key.

January 14, 2004 Meeting

Members present: David C. Key
Efren T. Gonzalez
Donna S Johnson
Darlene L. Burcham
Jesse A. Hall
Cyril "Jimmy" Goens
D. Duane Dixon
George G. Taylor

Members absent: Mayor Ralph K. Smith

The Board approved:

- 2 retirements from ERS;
- 16 retirements from ESRS;
- 1 nonoccupational disability from ESRS; and
- 4 retiree deaths with applications for spousal allowances.

Fiduciary Capital Advisors' quarterly investment update was presented by Mr. Hall.

The Board approved a change in the disability application process. It was decided to allow an appeal to be made if the applicant has new and additional relevant medical information, and those documents would need to be made available within 90 days from the date of denial of the application.

April 14, 2004 Meeting

Members present: David C. Key
Efren T. Gonzalez
Donna S Johnson
Darlene L. Burcham
Jesse A. Hall
Cyril "Jimmy" Goens
George G. Taylor

Members absent: Mayor Ralph K. Smith

The Board approved:

- 3 retirements from ERS;
- 21 retirements from ESRS;
- 1 occupational disability from ESRS; and
- 1 retiree death with application for spousal allowance.

The Board approved a motion to give the Retirement Administrator the authority to approve disability applications, if all reporting physicians, including the medical professional on behalf of the Board, are unanimous in the diagnosis of total and permanent disability.

The Board approved a motion that individuals, who make application for non-occupational disability, if eligible for early retirement, be made aware of and offered the opportunity to make dual applications; one for disability and one for the service retirement.

Fiduciary Capital Advisors' quarterly investment update was presented by Mr. Key.



800/228-PARK

P.O. Box 341
Arden, NC 28704

P.O. Box 751
Blowing Rock, NC 28605

P.O. Box 20986
Roanoke, VA 24018

June 22, 2004

Mayor Ralph K. Smith and
Members of City Council
Municipal Building, Room 452
215 Church Avenue, S. W.
Roanoke, VA 24011

Dear Mayor Smith and Members of City Council:

Susan Jackson Mills, Ph.D., Executive Director of FRIENDS of the Blue Ridge Parkway and David Hill, President of Hill Studio, request to be placed on the docket for the City Council meeting scheduled for July 6, 2004, at 2:00 PM. We would appreciate being placed on the docket as near 2:00 PM as possible due to conflicting schedules.

Two Council members, Beverly T. Fitzpatrick, Jr. and M. Rupert Cutler, have agreed to co-sponsor our request.

Dr. Mills and Mr. Hill will make a presentation regarding FRIENDS of the Blue Ridge Parkway's Last Chance Landscape project and will request the Council's assistance with funding of this project.

If you have any questions regarding our request, please call Susan Mills at 540-389-6804.

Thank you for your attention to this matter.

Sincerely,

Susan Jackson Mills, Ph.D.
Executive Director



C. Nelson Harris
Mayor

CITY OF ROANOKE

CITY COUNCIL

215 Church Avenue, S. W.
Noel C. Taylor Municipal Building, Room 456
Roanoke, Virginia 24011-1536
Telephone: (540) 853-2541
Fax: (540) 853-1145

Council Members:
M. Rupert Cutler
Alfred T. Dowe, Jr.
Beverly T. Fitzpatrick, Jr.
Robert P. Lea
Brian J. Wishneff

July 6, 2004

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Dear Mayor and Members of Council:

We jointly sponsor a request of Susan Jackson Mills, Ph.D., Executive Director, Friends of the Blue Ridge Parkway, to address Council with regard to a presentation of the Parkway's Last Chance Landscape project at the regular meeting of City Council on Tuesday, July 6, 2004.

Sincerely,

A handwritten signature in black ink, reading "Beverly T. Fitzpatrick, Jr." in a cursive style.

Beverly T. Fitzpatrick, Jr., Vice-Mayor

A handwritten signature in black ink, reading "M. Rupert Cutler" in a cursive style.

M. Rupert Cutler, Council Member

BTFjr/MRC:snh

c: City Attorney
Director of Finance
City Clerk



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

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July 6, 2004

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brian J. Wishneff, Council Member
Honorable Council Member

Dear Mayor Harris and Members of Council:

Subject: 2004-2005 CDBG/HOME-
funded Agreement with
Community Housing
Partners Corporation

Background:

For more than 25 years, Community Housing Partners Corporation (CHPC) has successfully conducted housing programs in various localities across Virginia. In 2002, CHPC was recognized as the "Best Housing Agency" in the state by the Virginia Department of Housing and Community Development. On May 13, 2004, City Council authorized CHPC's first housing activities in our community by Resolution No. 36695-051304, which approved the City's 2004-2005 Annual Update to the Consolidated Plan for submission to the U.S. Department of Housing and Urban Development. City Council accepted the 2004-2005 CDBG and HOME funds on June 21, 2004, by Budget Ordinance No. 36719-062104 and Resolution No. 36720-062104, pending receipt of the approval letter from HUD. The letter will be issued when Congress completes its routine release process, which is now underway.

Considerations:

In order that CHPC may conduct its approved 2004-2005 housing activities, City Council's authorization is needed to execute a subgrant agreement. Necessary CDBG and HOME funding is available in the accounts listed in the

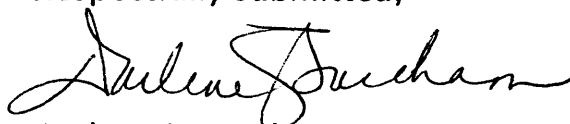
Mayor Harris and Members of City Council
July 6, 2004
Page 2

draft Agreement included with this report. A total of \$215,000.00 is being provided to CHPC to rehabilitate and sell eight homes in Hurt Park/West End area.

Recommended Action:

Authorize the City Manager to execute the 2004-2005 CDBG/HOME subgrant Agreement with the CHPC, similar in form and content to the draft attached to this report, and approved as to form by the City Attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Darlene L. Burcham', written in a cursive style.

Darlene L. Burcham
City Manager

DLB:vt

Attachments

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Frank E. Baratta, Budget Team Leader

CM04-00110

AGREEMENT

This Agreement is made and entered into this first day of July, 2004, by and between the following parties:

The Grantee

City of Roanoke, Virginia
215 Church Avenue, S.W.
Roanoke, Virginia 24011

The Subgrantee

Community Housing
Partners Corporation, Inc.
911 First Colonial Road
Virginia Beach, Virginia 23454

WITNESSETH:

WHEREAS, by Resolution No. 36695-051304, the Roanoke City Council approved the 2004/2005 Update to the Consolidated Plan for submission to the U.S Department of Housing and Urban Development (HUD), including the Subgrantee's 2004/2005 activities to be assisted with Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds; and

WHEREAS, by Resolution No. ____-062104 and by Ordinance No. ____-062104, the Roanoke City Council accepted and appropriated the 2004/2005 Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds; and

WHEREAS, by Resolution No. ____-070504, Roanoke City Council approved the execution of a subgrant agreement between the Grantee and the Subgrantee;

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. SCOPE OF SERVICES:

- a. General – The services to be performed by the Subgrantee under this Agreement shall have as their purpose the construction and/or rehabilitation housing to benefit eligible homebuyers or homeowners, as described below. This general scope of services shall be accomplished through a combination of CDBG and HOME funding provided by the Grantee and other funds secured by the Subgrantee.

The Subgrantee shall administer the housing programs briefly described below in accordance with guidelines developed by the Subgrantee in consultation with and acceptable to the Grantee, and incorporated herein by reference. These guidelines may be modified by mutual agreement of the Grantee and the Subgrantee.

General responsibilities of the Subgrantee shall include: marketing and outreach; receiving and processing applications, including packaging loan applications for supplemental funding sources; overseeing construction/rehabilitation work; holding deeds of trust, covenants and/or homeowner

grant agreements (specific to this Agreement); monitoring completed projects; and such other services as may be appropriate to comply with applicable federal regulations.

The Subgrantee shall provide all personnel required to perform the services under this Agreement, within the limits of funding provided. Such personnel shall not be employees of or have any contractual relationship with the Grantee. All of the services required hereunder will be performed by the Subgrantee or under its supervision, and all personnel engaged in the work shall be fully qualified to perform such services.

- b. CHPC Homeownership Program – The Subgrantee shall conduct homeownership activities in the Hurt Park/Mountain View/West End area the City. Such activities shall include the following:

- (1) Rehabilitation Component – The Subgrantee shall rehabilitate existing vacant properties for resale to eligible homebuyers. Activities may include property acquisition and the installation of infrastructure related to the housing being assisted. Where advisable and mutually agreeable to the Grantee and the Subgrantee, housing may be demolished (subject to historic and other environmental review requirements) and reconstructed. Other housing assistance not involving new homeownership activities shall not be undertaken unless expressly approved by the Grantee in writing. All units assisted with HOME funds shall conform to standard HOME project set-up procedures and documentation.

Performance Factors: The Grantee and Subgrantee mutually agree that, during the period of this Agreement, approximately 8 single-family homes will be rehabilitated with the project funds made available under this Agreement for this component and development funding leveraged by the Subgrantee.

- (2) Homeownership Education Component – The Subgrantee shall provide homeownership education for potentially qualified buyers of the housing developed through the Rehabilitation Component. It is anticipated that these educational services will be purchased by the Subgrantee from Blue Ridge Housing Development Corporation, but may be provided directly by the Subgrantee or by another party, should such prove more cost-effective or beneficial to the program.

Performance Factors: The Grantee and Subgrantee mutually agree that, during the period of this Agreement, approximately 75 persons will receive homeownership education through the project funds made available under this Agreement for this component.

- c. Contractor Procurement -- In the event that the Subgrantee procures outside contractors for needed rehabilitation or other construction services, it shall do so in a manner that promotes free and open competition and ensures that all such contractors comply with applicable HUD regulations, including those relating to lead-based paint.
- d. Eligible Homebuyer/Homeowner -- Except as otherwise provided, for the purposes of this Agreement, "eligible homebuyer/homeowner" shall mean a family whose income, adjusted for family size, does not exceed 80% of the area median income established by HUD and in effect at the time the family applies for assistance. In the case of homeownership assistance, the eligible family must be purchasing the home for use as its principal residence. The Subgrantee shall

prepare, and retain with records of the project, documentation of its determination of each eligible family's size and income. Such documentation shall include the name, age, and the sources and estimated amount of income anticipated for the succeeding twelve months for each individual related by birth, marriage or adoption living in the same household at the time of the determination.

- e. Allowable Expenditures -- CDBG funds provided by the Grantee under this Agreement shall be used by the Subgrantee solely for the costs associated with rehabilitation (or reconstruction) of existing housing and the costs of homeownership education. HOME funds may be used for new construction and/or rehabilitation in accordance with HOME affordability requirements. Subject to these general limitations, funds under this Agreement may be expended for any necessary, reasonable and allowable CDBG or HOME costs, including, but not necessarily limited to, property acquisition, construction labor and materials, including the costs of related infrastructure, title and recording, counsel's fees, property appraisal, surveying, taxes, or extermination and inspection. Absent prior approval of the Grantee's Department of Management and Budget, the Subgrantee shall not use funds provided under this Agreement to acquire (1) any nonexpendable personal property, including equipment, (2) any real property at a price exceeding the value determined through appraisal, city assessment or other appropriate method or (3) acquire any property that is occupied or that had been occupied at any time during the prior 12 months. Under no circumstances shall funds be expended for liens, fines or penalties associated with any property acquired or to be acquired. The maximum amount of HOME funds which may be expended to assist a unit shall comply with the limits specified in section 11.a. below.
- f. Period of this Agreement -- This Agreement shall be effective as of July 1, 2004, and, unless amended, shall end June 30, 2005.
- g. Budget -- A total of \$215,000 in CDBG and HOME funds is being provided by the Grantee under this Agreement in the following accounts:

CDBG	035-G05-0520-5419	\$67,203.00
HOME	035-090-5312-5450	\$147,797.00

Not more than \$15,000 of the CDBG funding indicated above shall be expended for costs of homeownership education. At the sole discretion of the Grantee, any funds remaining unexpended as of the end date of this Agreement may be deobligated from the Agreement and made available for other CDBG or HOME projects, as appropriate. The commitment of funds by the Grantee to this Agreement shall not be construed as a commitment by the Grantee to provide further funding to this project.

- h. HOME Match -- HOME funds must be matched in accordance with the requirements of 24 CFR 92.218 through 92.222. The Grantee shall be responsible for identifying and ensuring crediting of matching funds required pursuant to this Agreement. To assist the Grantee in meeting the requirement, the Subgrantee shall report regularly to the Grantee all activities which may be credited as HOME match.

2. REQUESTS FOR DISBURSEMENTS OF FUNDS:

- a. Disbursements under this Agreement may be requested for the reimbursement or payment of the

costs of providing homeownership education and of rehabilitating the housing to be sold to eligible buyers. Disbursements shall not be requested until the funds are needed for payment of eligible costs. The amount of each disbursement request must be limited to the amount needed.

- b. The Grantee and the Subgrantee mutually agree that the Subgrantee shall not request disbursement for the costs of rehabilitating a house until the rehabilitation of that house is complete. Further, the amount of the rehabilitation subsidy shall not exceed an average of \$25,000 per house.
- c. Requests for disbursement of funds shall be submitted to the Grantee's Project Manager, if any, or Department of Management and Budget and shall include copies of invoices or other appropriate documentation from contractors or other entities for work performed or costs incurred. In the case of property acquisitions, requests shall include settlement statements and property appraisal or assessment documentation. The use of standard American Institute of Architects (AIA) forms is preferred for requesting disbursement of funds for construction costs. Upon approval of the request by the Project Manager and/or Department of Management and Budget, the Grantee shall disburse the funds to the Subgrantee. Approval of disbursement requests will be subject to timely receipt of monthly Subgrantee reports (see section 8 below).
- d. All requests for disbursements with respect to costs incurred during the period of this Agreement, as set forth in section 1.f., must be received by the Grantee within 30 calendar days of the ending date of this Agreement. The Grantee shall not be bound to honor requests for disbursements received after this 30-day period has elapsed.

3. **PROGRAM INCOME AND REPAYMENTS:**

a. Payment of Proceeds from Sale:

- (1) Upon the sale of a property assisted with CDBG and/or HOME funds under this Agreement, gross proceeds shall be distributed as follows: first, outstanding loans obtained to develop the unit shall be repaid; second, the Subgrantee shall receive a developer's fee equal to ten percent (10%) of the sales price of the unit. Thereafter, the Grantee will share in any proceeds remaining. The Grantee's share will be equal to the percentage of the total cost to develop, construct and sell the property which has been paid for by the CDBG and/or HOME funds provided under this Agreement. Should the gross proceeds be insufficient to allow the Subgrantee to repay outstanding loans and/or receive its developer's fee, the Grantee shall not be liable for the insufficiency.
 - (2) In the event a property is assisted by both CDBG and HOME funds provided under this Agreement, the Grantee's share referenced in subsection (1) above shall be distributed to CDBG program income or HOME program income according to the percentage each source is of the total CDBG and HOME funds contributed to the property.
- b. All program income, repayments, interest, and Grantee shares of proceeds or other returns on the investment of CDBG and/or HOME funds shall be submitted to the Grantee by the Subgrantee on or before the fifteenth of the month following collection.

4. **AFFORDABILITY:**

The Subgrantee shall ensure that properties assisted with HOME funds under this Agreement comply with the affordability requirements at 24 CFR 92.254, including, but not limited to, the following:

- a. Buyers of the properties shall be eligible families, as described in section 1.d. above;
- b. Neither the value nor the sale price of the housing shall exceed the Section 203(b) limits promulgated by HUD; and
- c. For up to 15 years, depending on the amount and form of HOME and/or HOME/CHDO assistance provided, either resale restrictions or repayment (recapture) requirements will be imposed on the buyer. These provisions shall be enforced by a written covenant declared by the Subgrantee and recorded with the property deed. The covenant shall provide that the Grantee be notified of any pending sale or transfer of the property during the applicable period of affordability. If affordability provisions are not met upon sale or transfer of the property, up to the full HOME investment, as applicable, shall be repaid to the Grantee.
- d. All covenants or other instruments shall be approved as to form by the Grantee.
- e. The Subgrantee shall monitor all HOME-assisted properties to ensure maintenance of their affordability for the minimum period. This Subgrantee responsibility shall continue so long as this Agreement or any other CDBG- or HOME-funded Agreement with the Grantee remains in effect.

5. **ENFORCEMENT OF THE AGREEMENT:**

- a. In the event the Subgrantee materially fails to comply with any term of the agreement, the Grantee may suspend or terminate, in whole or in part, this Agreement or take other remedial action in accordance with 24 CFR 85.43. The Agreement may be terminated for convenience in accordance with 24 CFR 85.44.
- b. In the event the Subgrantee, without prior written approval from the Grantee's Department of Management and Budget, terminates the project prior to completing all units for which HOME funds have been disbursed, the Subgrantee shall be liable for repayment of all HOME project, administrative or operating funds disbursements, whether or not expended.

6. **REVERSION OF ASSETS:**

- a. Upon expiration or termination of this Agreement, including any amendments thereto, the Subgrantee shall transfer to the Grantee any CDBG or HOME funds or CDBG or HOME Program Income on hand at the time of expiration or termination and any accounts receivable attributable to the use of CDBG or HOME funds.
- b. Any real property under the Subgrantee's control that was acquired or improved, in whole or in part, with CDBG funds in excess of \$25,000:

(1) Shall continue for a period of not less than five years following expiration of this Agreement,

including any amendments thereto, to be used to meet one of the CDBG national objectives cited in 24 CFR 570.208; or

- (2) If the property is not used in accordance with paragraph (1) above, the Subgrantee shall pay the Grantee an amount equal to the current market value of the property less any portion of the value attributable to expenditures of non-CDBG funds for the acquisition of, or improvement to, the property. The payment shall be considered Program Income to the Grantee.

7. **RECORDS REQUIREMENTS:**

- a. Records to be maintained -- At a minimum, the Subgrantee shall maintain financial and project documents and records which comply with the requirements of 24 CFR 92.508, 570.506, and 570.507, as applicable.
- b. Period of record retention -- In compliance with the requirements of 24 CFR 92.508(c) and 570.502(b), the Subgrantee shall retain financial and project documents and records pertaining to this Agreement for a period of four (4) or five (5) years, as applicable, or the conclusion of any legal or administrative process requiring their use, whichever is later.
- c. Access to records -- The Grantee and other entities shall have access to financial and project documents and records pertaining to this Agreement in compliance with the applicable requirements of 24 CFR 84.53 and 92.508(d).

8. **REPORTING REQUIREMENTS:**

- a. By the 7th working day following the end of each month, the Subgrantee shall report the progress of activities covered by this Agreement, in a format acceptable to the Grantee's Department of Management and Budget. Such monthly reports shall include, but not be limited to, the following:
 - (1) A narrative section summarizing progress to-date on each component under the Scope of Services, including affirmative marketing activities, and describing, with supporting documents, as appropriate, any matching to be contributed by the Subgrantee;
 - (2) Certifications regarding debarment and suspension of contractors, as described in section 11.j. ;
 - (3) A list of monthly gross program income receipts from all sources;
 - (4) A list of any real or non-expendable personal property, including equipment, purchased with CDBG and/or HOME funds;
 - (5) A table for each program providing data on each housing unit and eligible household assisted (see Attachment B for minimum data elements to be reported); and
 - (6) A table providing demographic data on the households assisted (see Attachment C for the Grantee's standard format)

- b. The Subgrantee agrees to submit any other reports or documentation as requested by the Grantee concerning activities covered under this agreement.

9. **MONITORING:**

The Subgrantee shall monitor the progress of the project(s) covered by this Agreement, and shall submit appropriate reports to the Grantee's Department of Management and Budget. In addition, it is the Grantee's intention to monitor the Subgrantee's performance and financial and programmatic compliance, which may include on-site reviews, at least once during the period of this Agreement.

10. **ANNUAL AUDIT:**

As an entity receiving less than \$300,000 in federal funding from the Grantee, the Subgrantee shall not be required by the Grantee to undergo an annual independent audit of the CDBG expenditures under this Agreement. Furthermore, no expenditures with respect to any such audit undertaken by the Subgrantee's own initiative shall be chargeable to the funds under this Agreement.

11. **OTHER PROGRAM/PROJECT REQUIREMENTS:**

In addition to other requirements set forth herein, the Subgrantee shall likewise comply with the applicable provisions of Subparts F and H of 24 CFR part 92 and Subpart K of 24 CFR 570, in accordance with the type of project assisted. Such other requirements include, but are not necessarily limited to, the following.

- a. Maximum per-unit subsidy amount and subsidy layering -- The total amount of HOME funds invested shall not exceed \$91,773 for a one-bedroom unit, \$111,597 for a two-bedroom unit, \$144,367 for a three-bedroom unit, and \$158,470 for a unit with four or more bedrooms. Further, in accordance with 24 CFR 92.250, HOME funds invested in combination with other governmental assistance shall not exceed the amount necessary to provide affordable housing.
- b. Property standards and lead-based paint -- All housing assisted with HOME funds under this agreement must, upon project completion, meet the property standards of 24 CFR 92.251. Those assisted with HOME and/or CDBG funds shall meet the Statewide Building Code. All properties assisted with HOME and/or CDBG funds shall meet the lead-based paint requirements in 24 CFR 92.355 and/or 570.608, respectively. In accordance with regulations, the Subgrantee shall adhere to lead-based paint abatement practices, as applicable, and in no case shall use lead-based paint in the construction or rehabilitation of the properties assisted under this Agreement.
- c. Affirmative Marketing and Affirmatively Furthering Fair Housing -- In accordance with 24 CFR 92.351 and 570.601 and the Grantee's Affirmative Marketing Procedures, the Subgrantee shall provide information and otherwise attract eligible persons in the housing market area to the available housing without regard to race, color, national origin, sex, familial status or disability. The Subgrantee will describe its affirmative marketing activities as part of the monthly reporting requirements described in section 8.
- d. Section 109 -- In accordance with Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 3535(d)), no person in the United States shall on grounds of race, color,

religion, sex or national origin be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity funded in whole or in part with funds available under this Agreement. (See also Attachment C.)

- e. Conditions for religious organizations -- The Subgrantee shall not grant or loan any HOME or CDBG funds to primarily religious organizations for any activity including secular activities. In addition, funds may not be used to rehabilitate or construct housing owned by primarily religious organizations or to assist primarily religious organizations in acquiring housing. In particular, there shall be no religious or membership criteria for tenants or buyers of any HOME- or CDBG-assisted properties.
- f. Labor standards -- As presently structured, the programs included under this Agreement are not considered subject to federal Labor Standards, including prevailing (Davis-Bacon) wage rates for non-volunteer labor. Such standards will become applicable in the event CDBG or HOME funds are used for infrastructure improvements. Such standards will also become applicable for any single project in which more than 7 housing units are assisted with CDBG funds or more than 12 units are assisted with HOME funds or more than 7 units are assisted with a combination of CDBG and HOME funds.
- g. Environmental standards -- In accordance with 24 CFR 85.36, 92.352 and 570.604, the activities under this Agreement are subject to environmental review requirements. Such requirements include, but are not necessarily limited to, historic significance, floodplain, clean air and hazardous sites. The Grantee has performed the tiered review necessary to initiate the preliminary program activities; however, no CDBG funds may be expended for a given property prior to the Subgrantee's completing its individual property review, any required remedial actions and required Subgrantee environmental checklist, which must include all compliance categories specified by HUD and the Grantee. Where property is to be acquired, the Subgrantee will ensure that a "phase one" review is conducted by a qualified entity. All property acquisitions shall be contingent upon satisfactory results of the phase one, and, where dictated by the phase one, further environmental phases. All specifications for proposed housing rehabilitation under this Agreement shall be submitted to the Grantee's Department of Management and Budget for review as to compliance with Section 106 of the National Historic Preservation Act. Based on the specifications, the Subgrantee shall also ensure that the potential for disturbing other hazardous materials, such as asbestos, has been determined. The results of the historic and other environmental review activities shall be reflected in the Subgrantee's environmental checklist.
- h. Displacement and relocation -- In accordance with 24 CFR 92.353 and 570.606, the Subgrantee shall take all reasonable steps to minimize displacement as a result of the activities described in section 1. Furthermore, section 1 of this Agreement prohibits acquisition of any property which is occupied or has been occupied at any time during the prior 12 months. Notwithstanding this prohibition, any persons displaced as a result of the activities under this Agreement shall be provided relocation assistance to the extent permitted and required under applicable regulations.
- i. Employment and contracting opportunities -- In accordance with 24 CFR 92.350 and 570.607, the activities under this Agreement are subject to the requirements of Executive Order 11246, as amended, and Section 3 of the Housing and Urban Development Act of 1968. The former prohibits discrimination on federally-assisted construction contracts and requires contractors to

take affirmative action regarding employment actions. The latter provides that, to the greatest extent feasible and consistent with federal, state and local laws, employment and other economic opportunities arising housing rehabilitation, housing construction and public construction projects shall be given to low- and very-low-income persons. (See also Attachment C.)

- j. Debarment and suspension -- In accordance with 24 CFR 24, the Subgrantee shall not employ or otherwise engage any debarred, suspended, or ineligible contractors or subcontractors to conduct any activities under this Agreement. The Subgrantee will consult appropriate references, including, but not limited to, the Excluded Parties Listing Service website at <http://epls.arnet.gov>, to ascertain the status of any third parties prior to engaging their services. The Subgrantee will submit to the Grantee's Department of Management and Budget the names of contractors and subcontractors selected under this Agreement, including a certification by the Subgrantee that it has determined that none of these entities are presently debarred, suspended, or ineligible.
- k. Uniform administrative requirements -- The Subgrantee shall comply with the requirements and standards set forth in 24 CFR 92.505 and 570.502, and all applicable CDBG, HOME and other federal regulations pertaining to the activities performed under this Agreement.
- l. Conflict of interest -- In accordance with 24 CFR 92.356 and 570.611, no covered individual who exercises any functions or responsibilities with respect to the program during his tenure, or for one (1) year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this Agreement. The Subgrantee shall incorporate, or cause to be incorporated, in any contracts or subcontracts pursuant to this Agreement a provision prohibiting such interest pursuant to the purposes of this section.

12. **EQUAL EMPLOYMENT OPPORTUNITY:**

Non-Discrimination: During the performance of this Agreement, the Subgrantee agrees as follows:

- a. The Subgrantee will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the Subgrantee. The Subgrantee agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- b. The Subgrantee, in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee, will state that such Subgrantee is an equal opportunity employer.
- c. Notices, advertisement and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
- d. The Subgrantee will include the provisions of the foregoing subsections (a), (b) and (c) in every contract or purchase order of over ten thousand dollars and no cents (\$10,000.00) so that the provisions will be binding upon each contractor or vendor.

13. **DRUG-FREE WORKPLACE:**

The Subgrantee will: (i) provide a drug-free workplace for the Subgrantee's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Subgrantee's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee that the Subgrantee maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over ten thousand dollars and no cents (\$10,000.00), so that the provisions will be binding upon each subcontractor or vendor. For the purposes of this subsection, "drug-free workplace" means a site for the performance of work done in connection with this contract.

14. **FAITH-BASED ORGANIZATIONS:**

Pursuant to §2.2-4343.1 of the Code of Virginia (1950), as amended, the City of Roanoke does not discriminate against faith-based organizations.

15. **THIRD-PARTY CONTRACTS:**

The Grantee shall not be obligated or liable hereunder to any party other than the Subgrantee.

16. **INDEMNITY:**

The Subgrantee agrees and binds itself and its successors and assigns to indemnify, keep and hold the Grantee and its officers, employees, agents, volunteers and representatives free and harmless from any liability on account of any injury or damage of any type to any person or property growing out of or directly or indirectly resulting from any act or omission of the Subgrantee including: (a) the Subgrantee's use of the streets or sidewalks of the Grantee or other public property; (b) the performance under this Agreement; (c) the exercise of any right or privilege granted by or under this Agreement; or (d) the failure, refusal or neglect of the Subgrantee to perform any duty imposed upon or assumed by Subgrantee by or under this Agreement. In the event that any suit or proceeding shall be brought against the Grantee or any of its officers, employees, agents, volunteers or representatives at law or in equity, either independently or jointly with the Subgrantee on account thereof, the Subgrantee, upon notice given to it by the Grantee or any of its officers, employees, agents, volunteers or representatives, will pay all costs of defending the Grantee or any of its officers, employees, agents, volunteers or representatives in any such action or other proceeding. In the event of any settlement or any final judgement being awarded against the Grantee or any of its officers, employees, agents, volunteers or representatives, either independently or jointly with the Subgrantee, then the Subgrantee will pay such settlement or judgement in full or will comply with such decree, pay all costs and expenses of whatsoever nature and hold the Grantee or any of its officers, employees, agents, volunteers or representatives harmless therefrom.

17. **INDEPENDENT CONTRACTOR:**

Services performed under this agreement shall be performed on an independent contractor basis and

under no circumstances shall this Agreement be construed as establishing an employee/employer relationship. The Subgrantee shall be completely responsible for its activities in performing services hereunder.

18. **SUCCESSORS:**

This Agreement shall be binding upon each of the parties, and their assigns, purchasers, trustees, and successors.

19. **ENTIRE AGREEMENT**

This Agreement, including all of its Attachments, represents the entire agreement between the parties and shall not be modified, amended, altered or changed, except by written agreement executed by the parties.

20. **AMENDMENTS:**

The Grantee may, from time to time, require changes in the obligations of the Subgrantee hereunder, or its City Council may appropriate further funds for the implementation of this HOME rehabilitation project. In such event or events, such changes which are mutually agreed upon by and between the Grantee and the Subgrantee shall be incorporated by written amendment to this Agreement.

21. **GOVERNING LAW:**

This Agreement shall be governed by laws of the Commonwealth of Virginia.

22. **AVAILABILITY OF FUNDS:**

CDBG and HOME funding to be made available by the Grantee under this Agreement is contingent upon necessary appropriations by the U.S. Congress. In the event that sufficient funds are not appropriated, at the sole discretion of the Grantee, this Agreement may be terminated in whole or in part.

23. **ANTI-LOBBYING:**

To the best of the Subgrantee's knowledge and belief, no federal appropriated funds have been paid or will be paid, by or on behalf of it, to any persons for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Agreement, the Subgrantee will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year hereinabove written:

ATTEST:

By _____
Mary F. Parker, City Clerk

FOR THE GRANTEE:

By _____
Darlene L. Burcham, City Manager

ATTEST:

By _____
Cyndi Stultz, Secretary

FOR THE SUBGRANTEE:

By _____
Alvin Nash, President and CEO

APPROVED AS TO CDBG/HOME ELIGIBILITY

Department of Management and Budget

APPROVED AS TO FORM

Assistant City Attorney

APPROVED AS TO EXECUTION

Assistant City Attorney

APPROPRIATION AND FUNDS REQUIRED
FOR THIS CONTRACT CERTIFIED

Director of Finance

Date _____

Account # _____ (See Attachment A)

Attachments

Attachment A -- Housing/Beneficiary Reporting Elements

Attachment B -- Housing/Beneficiary Demographics Report

Attachment C -- Special Federal Terms and Conditions

Housing/Beneficiary Reporting Elements

On a monthly basis, the Subgrantee shall provide a narrative report to the Grantee summarizing progress on the project to-date. Accompanying the narrative, the Subgrantee shall submit data in a table or spreadsheet format that is needed in order that the Grantee may complete its required reports to the U.S. Department of Housing and Urban Development. The data provided by the Subgrantee shall include:

- Property
 - Address
 - Number of bedrooms
 - Status (pending, under construction, completed or sold)
- Homeowner/Homebuyer
 - Name
 - Total Family Income (projected for 12 months following determination)
 - Number in family
 - Whether head of household is disabled
- Estimated total hard (incl. acquisition costs, if any) and soft costs to produce the unit
 - CDBG funds committed to property
 - HOME funds committed to property
 - HOME/CHDO funds committed to property
- Prime Contractor Name
 - Federal I.D. Number (or Owner Social Security Number)
 - Whether Minority-Owned, Women-Owned or Both
 - CDBG funds committed to Prime
 - HOME funds committed to Prime
 - HOME/CHDO committed to Prime
- Subcontractor Name (Provide separate data for each subcontractor)
 - Federal I.D. Number (or Owner Social Security Number)
 - Whether Minority-Owned, Women-Owned or Both
 - CDBG funds committed to Subcontractor
 - HOME funds committed to Subcontractor
 - HOME/CHDO committed to Subcontractor
- Unit Sale Data (if property is for homeownership)
 - Sales Price of Unit (excluding settlement charges)
 - Closing Date

Housing/Beneficiary Demographics Report

Also accompanying the monthly narrative report and the reporting elements given in Attachment A, the Subgrantee shall provide the demographics report in the format provided below.

Program / Activity Name		Reporting Period	
1	Counts by: ____ Households or ____ Persons? (Check the one that applies.)		
2	# of New Participants this Period (if applicable):		
3	TOTAL # BENEFITING FROM ACTIVITY: (Beginning 07/01/04 - Ending 06/30/05)	(cumulative to date)	
4	RACIAL INFORMATION (cumulative to date)	# TOTAL	# HISPANIC
	White:		
	Black/African American:		
	Asian:		
	American Indian / Alaskan Native:		
	Native Hawaiian / Other Pacific Islander:		
	American Indian / Alaskan Native & White:		
	Asian & White:		
	Black/African American & White:		
	Am. Indian/Alaskan Native & Black/African Am.:		
	Other Multi-Racial:		
	TOTAL:		
5	# - FEMALE HEAD OF HOUSEHOLD:	(cumulative to date)	
6	INCOME INFORMATION (cumulative to date)	# TOTAL	
	< 80% of Median (Low Income Limit)		
	< 50% of Median (Very Low Income)		
	< 30% of Median		
	TOTAL:		
Prepared by: _____		Date Prepared: _____	
Revised 03/05/2004			

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
SPECIAL TERMS AND CONDITIONS
(Agreements \$10,000 or Over)

1. **"Section 3" Compliance -- Provision of Training, Employment and Business Opportunities:**

- A. The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 170. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
- B. The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- C. The Subgrantee will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- D. The Subgrantee will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the contractor is in violation of regulations issued by the Secretary of Housing and Urban Development 24 CFR Part 135. The Subgrantee will not subcontract with any contractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR part 135 and will not let any subcontract unless the contractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.
- E. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued hereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project,

binding upon the applicant or recipient for such assistance, its successor and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its Subgrantees and contractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135.

2. **Equal Employment Opportunity: Contracts subject to Executive Order 11246, as amended:** Such contracts shall be subject to HUD Equal Employment Opportunity regulations at 24 CFR Part 130 applicable to HUD-assisted construction contracts.

The Subgrantee shall cause or require to be inserted in full in any non-exempt contract and subcontract for construction work, or modification thereof as defined in said regulations, which is paid for in whole or in part with assistance provided under this Agreement, the following equal opportunity clause: "During the performance of this contract, the Subgrantee agrees as follows:

- A. The Subgrantee will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The Subgrantee will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Subgrantee agrees to post in conspicuous places available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
- B. The Subgrantee will, in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
- C. The Subgrantee will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the Contract Compliance Officer advising the said labor union or workers' representatives of the Subgrantee's commitment under this section and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- D. The Subgrantee will comply with all provisions of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 of October 13, 1967, and the rules, regulations and relevant orders of the Secretary of Labor.
- E. The Subgrantee will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the Department and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

- F. In the event of the Subgrantee's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations or orders, this contract may be canceled, terminated or suspended in whole or in part, and the Subgrantee may be declared ineligible for further Government contracts or Federally-assisted construction contract procedures authorized in Executive Order 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law.
- G. The Subgrantee will include the portion of the sentence immediately preceding paragraph (A) and the provisions of paragraphs (A) through (G) in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each contractor or vendor. The Subgrantee will take such action with respect to any subcontract or purchase order as the Department may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event a Subgrantee becomes involved in or is threatened with litigation with a contractor or vendor as a result of such direction by the Department, the Subgrantee may request the United States to enter into such litigation to protect the interest of the United States."

The Subgrantee further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in Federally-assisted construction work; provided, that if the Subgrantee so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract. The Subgrantee agrees that it will assist and cooperate actively with the Department and the Secretary of Labor in obtaining the compliance of Subgrantees and contractors with the equal opportunity clause and the rules, regulations and relevant orders of the Secretary of Labor; that it will furnish the Department and the Secretary of Labor such compliance; and that it will otherwise assist the Department in the discharge of its primary responsibility for securing compliance.

The Subgrantee further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a Subgrantee debarred from, or who has not demonstrated eligibility for Government contracts and Federally-assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon Subgrantees and contractors by the Department or the Secretary of Labor pursuant to Part II, Subpart D, of the Executive Order. In addition, the Subgrantee agrees that if it fails or refuses to comply with these undertakings, the Department may take any or all of the following actions: cancel, terminate or suspend in whole or in part the grant or loan guarantee; refrain from extending any further assistance to the Subgrantee under the Program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from such Subgrantee; and refer the cause to the Department of Justice for appropriate legal proceedings.

- 3. **Nondiscrimination Under Title VI of the Civil Rights Act of 1964:** This Agreement is subject to the requirements of Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and HUD regulations with respect thereto, including the regulations under 24 CFR Part 1. In the sale, lease or other transfer of land acquired, cleared or improved with assistance provided under this Agreement, the Subgrantee

shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination upon the basis of race, color, religion, sex or national origin, in the sale, lease or rental, or in the use of occupancy of such land or any improvements erected or to be erected thereon, and providing that the Subgrantee and the United States are beneficiaries of and entitled to enforce such covenant. The Subgrantee, in undertaking its obligation in carrying out the program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant and will not itself so discriminate.

4. **Section 504 and Americans with Disabilities Act:**

The Subgrantee agrees to comply with any federal regulation issued pursuant to compliance with the Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act, which prohibit discrimination against the disabled in any federal assisted program.

5. **Obligations of Subgrantee with Respect to Certain Third-party Relationships:** The Subgrantee shall remain fully obligated under the provisions of the Agreement, notwithstanding its designation of any third party or parties for the undertaking of all or any part of the program with respect to which assistance is being provided under this Agreement to the Subgrantee. Any Subgrantee which is not the Applicant shall comply with all lawful requirements of the Applicant necessary to insure that the program, with respect to which assistance is being provided under this Agreement to the Subgrantee is carried out in accordance with the Applicant's Assurances and certifications, including those with respect to the assumption of environmental responsibilities of the Applicant under Section 104(h) of the Housing and Community Development Act of 1974.

6. **Interest of Certain Federal Officials:** No member of or delegate to the Congress of the United States, and no Resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit to arise from the same.

7. **Prohibition Against Payments of Bonus or Commission:** The assistance provided under this Agreement shall not be used in the payment of any bonus or commission for the purpose of obtaining HUD approval of the application for such assistance, or HUD approval or applications for additional assistance, or any other approval or concurrence of HUD required under this Agreement, Title I of the Housing and Community Development Act of 1974, or HUD regulations with respect thereto; provided, however, that reasonable fees or bona fide technical, consultant, managerial or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as program costs.

8. **"Section 109":** This Agreement is subject to the requirements of Section 109 of the Housing and Community Development Act of 1974, 42 U.S.C. 3535(d). No person in the United States shall on the ground of race, color, religion, sex or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds available under this title.

9. **Access to Records and Site of Employment:** This agreement is subject to the requirements of Executive Order 11246, Executive Order 1375, Civil Rights Act of 1964, as amended. Access shall be permitted during normal business hours to the premises for the purpose of conducting on-site

compliance reviews and inspecting and copying such books, records, accounts, and other material as may be relevant to the matter under investigation and pertinent to compliance with the Order, and the rules and regulations promulgated pursuant thereto by the Subgrantee. Information obtained in this manner shall be used only in connection with the administration of the Order, the administration of the Civil Rights Act of 1964 (as amended) and in furtherance of the purpose of the Order and that Act.

10. **Legal Remedies for Contract Violation:** If the Subgrantee materially fails to comply with any term of this Agreement, whether stated in a Federal statute or regulation, an assurance, in a State plan or application, a notice of award, or elsewhere, the City may take one or more of the following actions, as appropriate in the circumstances:
- 1) Temporarily withhold cash payments pending correction of the deficiency by the Subgrantee,
 - 2) Disallow all or part of the cost of the activity or action not in compliance,
 - 3) Wholly or partly suspend or terminate the current Agreement, or
 - 4) Take other remedies that may be legally available.

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55T
6/29/04

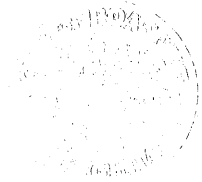
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the City Manager to enter into the 2004-2005 Community Development Block Grant (CDBG) and HOME-funded subgrant Agreement with the Community Housing Partners Corporation, upon certain terms and conditions.

BE IT RESOLVED by the Council of the City of Roanoke that the City Manager and the City Clerk, are hereby authorized, for and on behalf of the City, to execute and attest, respectively, the 2004-2005 Community Development Block Grant (CDBG) and HOME-funded subgrant Agreement with Community Housing Partners Corporation, in such form as is approved the City Attorney, upon such terms and conditions as are more particularly set forth in the City Manager's letter dated July 6, 2004, to City Council.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364

Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333

Fax: (540) 853-1138

CityWeb: www.roanokegov.com

July 6, 2004

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brian J. Wishneff, Council Member
Honorable Council Member

Subject: Summer Food Appropriation

Dear Mayor Harris and Members of City Council:

The City of Roanoke continues to provide for the nutritional needs of children and youth during the summer months through its Parks and Recreation Youth Services Division supervised Summer Nutrition Program.

Breakfast and lunch are provided to children throughout the city from mid-June through early August. More than 2,600 children/youth received lunch and/or breakfast on a daily basis at nineteen sites during the summer of 2003. This year, four sites have been added with two other sites pending, and snacks will be offered during two special after-summer-school programs that will operate until 5:30 p.m.

Local funds in the amount of \$40,000 have been appropriated in the FY 2004-2005 General Fund budget in the Parks and Recreation Youth Services Division budget in account number 001-620-8170-2034 (Special Projects). Local funds will be used to provide staffing and program materials.

Considerations:

Funds for the program are provided through the United States Department of Agriculture Food and Nutrition Service. The program is similar in concept to the National School Lunch Program with eligibility requirements much like those used to determine eligibility for free or reduced priced meals during the school year. The purpose is to provide nutritionally balanced, healthy meals to children, ages one through eighteen, and those with special needs. Adult, summer staff manage the program and youth are hired to assist at the food service sites. The City is reimbursed on a per meal basis.

Recommended Action(s):

Accept the Summer Food Program grant in the amount of \$143,315 and authorize the City Manager and City Clerk to execute and attest respectively, an agreement with the United States Department of Agriculture Food and Nutrition Services and any other forms necessary to accept such grant, approved as to form by the City Attorney.

Establish a revenue estimate in the amount of \$183,315 and appropriate the funding to expenditure accounts as outlined in the program budget attached to this report in accounts to be established by the Director of Finance in the Grant Fund.

Transfer funding in the amount of \$40,000 from FY05 account number 001-620-8170-2034 (Special Projects) in the Parks and Recreation Youth Services Division budget to the Grant Fund. Appropriate this funding in the Grant Fund as outlined in the attachment.

Respectfully Submitted,



Darlene L. Burcham
City Manager

DLB:MVH:na

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda B. Russell, Assistant City Manager for Community Development
Steven C. Buschor, Director of Parks and Recreation

#CM04-00119

Attachment 1

Budget Breakdown

1004	Temporary Wages	36,940
1120	FICA	3,060
2066	Program Activities	143,315
	TOTAL	183,315

Summer Nutritional Sites

1. Apple Ridge Farms, Cooper Hill (off-site center)
2. Blue Stone Housing Project
3. Blue Ridge Behavior Center – two sites
4. Boys and Girls Club – 9th Street
5. Eureka Park Recreation Center
6. Buena Vista Recreation Center
7. Hunt Manor Housing Project
8. Hurt Park Housing Project
9. Indian Rock Village Housing Project
10. Jamestown Place Housing Project
11. Lansdowne Housing Project
12. Lincoln Terrace Housing Project
13. Minnick Education Center
14. The Preston Center
15. Rutherford Head Start Center
16. Salvation Army
17. St. John's Community Youth Program
18. Total Action Against Poverty at Higher Ed
19. Victory Baptist Church Day Center
20. YMCA Family Center
21. Rainbow Christian Day Care – two sites
22. Library Youth Association

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE appropriating funds for certain sections of the Summer Food Program, amending and reordaining certain sections of the 2004-2005 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2004-2005 General and Grant Funds Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

General Fund

Appropriations

Special Projects	001-620-8170-2034	(40,000)
Transfer to Grant Fund	001-250-9310-9535	40,000

Grant Fund

Appropriations

Temporary Employee Wages	035-630-5189-1004	36,940
FICA	035-630-5189-1120	3,060
Program Activities	035-630-5189-2066	143,315

Revenues

Federal Grant Receipts	035-630-5189-5289	143,315
Local Match	035-630-5189-5288	40,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing acceptance of a grant from the United States Department of Agriculture Food and Nutrition Service on behalf of the City to provide nutritionally balanced, healthy meals for children and youth during the summer months, and authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant and applicable laws, regulations, and requirements pertaining thereto.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. Funding from the United States Department of Agriculture Food and Nutrition Service, in the amount of \$143,315.00 to provide nutritionally balanced, healthy meals to children during the summer months, as set forth in the City Manager's letter, dated July 6, 2004, to this Council, is hereby ACCEPTED.

2. The City Manager and the City Clerk are hereby authorized on behalf of the City to execute and attest, respectively, any and all requisite documents pertaining to the City's acceptance of this grant and to furnish such additional information as may be required in connection with the City's acceptance of the foregoing funds. All documents shall be approved as to form by the City Attorney.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
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July 6, 2004

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman Lea, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of Council:

**Subject: Additional Funds to Fire
Programs Grant**

Background:

The Fire Programs Fund was established by the General Assembly effective October 4, 1985, pursuant to section 38.1-44.1 of the Code of Virginia. The sunset clause requiring expiration of this fund July 1, 1990 was removed; thus, the City's annual allocation of state funds will continue indefinitely.

The program guidelines require that funds received are non-supplanting and may not be used to replace existing local funding. All program funds must be used in accordance with the provisions established by the State Department of Fire Programs.

In January 2003, the City of Roanoke's allocation of \$127,202 was deposited into account 035-520-3232-3232 from the Department of Fire Programs. At the beginning of FY04, due to the Commonwealth's ongoing fiscal concerns, there was creditable probability that additional monies, beyond the amount already tendered for FY04, would later need to be transferred from the "Fire Programs Fund" to the State's "General Fund." Therefore those jurisdictions who normally would have received an FY04 entitlement based on their population were frozen.

Fortunately, such probability never materialized and the Department of Fire Programs was able to make supplemental payments to all such affected jurisdictions, including the City of Roanoke. The supplemental

The Honorable Mayor and Members of Council
July 6, 2004
Page 2

amount of \$14,416, in addition to the \$127,202 received in January 2003 is the City's appropriate FY04 entitlement of \$141,618.

Considerations:

City Council action is needed to formally accept and appropriate these funds, as well as authorize the Director of Finance to establish revenue estimates and the appropriate accounts for the Grant Funds in accordance with provisions of this program.

Recommended Action:

Authorize the City Manager to accept the Fire Programs Funds Grant and to execute, accept and file any documents setting forth the conditions of the FY2004 Fire Programs Funds Grant and to furnish such additional information as may be required.

Appropriate the grant funds in the amount of \$14,416 with a corresponding revenue estimate in accounts established by the Director of Finance in the Grant Fund.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:jsf

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
George C. Snead, Assistant City Manager for Operations
James Grigsby, Fire-EMS Chief

#CM04-00121

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding for additional Fire Program Grant funds, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

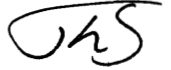
BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2004-2005 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriation		
Fire Program Grant FY04	035-520-3234-3234	\$ 14,416
Revenue		
Expendable Equipment (<\$5,000)	035-520-3234-2035	14,416

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

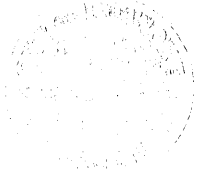
A RESOLUTION authorizing the acceptance of additional FY2004 Fire Programs Grant Funds made available to the City of Roanoke by the Virginia Department of Fire Programs and authorizing the execution and filing by the City Manager of the conditions of the grant and other grant documents.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City of Roanoke hereby accepts the grant offer by the Virginia Department of Fire Programs of additional FY2004 Fire Programs Grant Funds in the amount of \$14,416.13.
2. The City Manager or the Assistant City Manager for Operations is hereby authorized to accept, execute and file on behalf of the City any documents setting forth the conditions of the FY2004 Fire Programs Funds Grant.
3. The City Manager or the Assistant City Manager for Operations is further directed to furnish such additional information as may be required by the Virginia Department of Fire Programs in connection with the City's acceptance of the foregoing grant.

ATTEST:

City Clerk



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
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July 6, 2004

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice-Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brian J. Wishneff, Council Member
Honorable Council Member

Dear Mayor Harris and Members of City Council:

Subject: Amendment No. 2
Three Year Bridge
Inspection Program -
Year Three of Three

Background:

The 1978 Surface Transportation Act enacted by Congress requires that all bridges, including "off Federal Aid System" structures, must be included in the annual inspection program. Bridge inspection Reports are required on 69 structures in the City of Roanoke this year. Twenty-six structures are inspected annually while 43 structures are inspected bi-annually. One tunnel (underpass) also needs to be inspected.

Council awarded contracts on June 17, 2002, to Hayes, Seay, Mattern & Mattern, Inc., and Mattern & Craig, Inc., for the three year Bridge Inspection Program with years two and three to be negotiated based on the number of structures to be inspected in each of those subsequent years. Hayes, Seay, Mattern & Mattern, Inc. has agreed to inspect 36 bridges for the cost of \$83,100 for year three. Mattern & Craig, Inc., has agreed to inspect 33 bridges, one tunnel (underpass), and 14 overhead signs for the cost of \$72,400 for year three.

Funding in the amount of \$155,500 is available in account number 001-530-4310-3072 (Bridge Inspections).


Recommended Action(s):

Authorize the City Manager to execute separate Amendments No. 2 for consulting services for the above work with Hayes, Seay, Mattern & Mattern, Inc., and Mattern & Craig, Inc., in the amounts of \$83,100 and

Mayor Harris and Members of City Council
July 6, 2004
Page 2

72,400 respectively, for the third year (2004) for bridge, tunnel, and overhead sign inspection services.

Respectfully submitted,


Darlene L. Burcham
City Manager

DLB/jgb

Attachments

c: William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Jesse A. Hall, Director of Finance
Philip C. Schirmer, P.E., L.S., City Engineer

CM04-00115

P.T.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the City Manager's issuance of Amendment No. 2 to the City's contract with Hayes, Seay, Mattern & Mattern, Inc., for additional engineering services for the inspections of 36 bridges.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City Manager is authorized to execute for and on behalf of the City, upon form approved by the City Attorney, Amendment No. 2 to the City's contract with Hayes, Seay, Mattern & Mattern, Inc., for additional engineering services for the inspections of 36 bridges, all as more fully set forth in the letter to this Council dated July 6, 2004.

2. The Amendment No. 2 will provide authorization for additions in the work with an increase in the amount of \$83,100.00 to the contract, all as set forth in the above letter.

ATTEST:

City Clerk.

D.T.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the City Manager's issuance of Amendment No. 2 to the City's contract with Mattern & Craig, Inc., for additional engineering services for the inspection of 33 bridges, one tunnel (underpass), and 14 overhead signs.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City Manager is authorized to execute for and on behalf of the City, upon form approved by the City Attorney, Amendment No. 2 to the City's contract with Mattern & Craig, Inc., for additional engineering services for the inspection of 33 bridges, one tunnel (underpass), and 14 overhead signs, all as more fully set forth in the letter to this Council dated July 6, 2004.
2. The Amendment No. 2 will provide authorization for additions in the work with an increase in the amount of \$72,400.00 to the contract, all as set forth in the above letter.

ATTEST:

City Clerk.



**CITY OF ROANOKE
OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building
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July 6, 2004

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman Lea, Council Member
Honorable Brian J. Wishneff, Council Member
Honorable Council Member

Dear Mayor Harris and Members of Council:

Subject: Lick Run Greenway Phase II

The Lick Run Greenway Phase II Project consists of approximately 1.76 miles of greenway trail and associated appurtenances beginning with a connection to the Phase I greenway at Court Street and continuing to Wells Avenue. A majority of the trail is located adjacent to Lick Run. The Engineering Division is finalizing the plans and specifications for the project in anticipation of bidding the project this summer. All properties have been acquired for the project with the exception of the properties owned by W.S. Connelly and Company, Inc. (Tax Map Nos. 2022205 and 3022820). These properties are located in the Gainsboro Neighborhood on Sydnor Circle adjacent to the Holiday Inn Express on Orange Avenue.

The property owner, W.S. Connelly and Company, Inc., is prepared to donate the land rights necessary for the proposed greenway project. However, W.S. Connelly and Company, Inc. wishes to be indemnified as provided by the Virginia Code Annotated §29.1-509 Section E.

Recommended Action:

Authorize the City Manager to acquire the property rights as described above.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham", is written over a horizontal line.

Darlene L. Burcham
City Manager

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
George C. Snead, Jr., Assistant City Manager for Operations
Philip C. Schirmer, City Engineer

CM04-00117

DZC
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the City to indemnify and hold harmless W. S. Connelly and Company, Inc., as a condition of the donation by W. S. Connelly and Company, Inc., of certain easements across Official Tax Nos. 2022205 and 3022820, necessary for the completion of the Lick Run Greenway Phase II Project, and authorizing the execution of the necessary documents.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City is authorized to indemnify and hold W. S. Connelly and Company, Inc. harmless, for any injuries, deaths, or damages suffered by anyone using the portion of the Lick Run Greenway trail, such portion being within easements across Official Tax Nos. 2022205 and 3022820 donated by W. S. Connelly and Company, Inc., as more particularly set forth in the City Manager's letter to City Council dated July 6, 2004.

2. The City Manager and the City Clerk are hereby authorized on behalf of the City to execute and attest, respectively, deeds of easement containing a provision whereby the City of Roanoke agrees to indemnify and hold W. S. Connelly and Company, Inc. harmless, as required for the donation of land rights by W. S. Connelly and Company, Inc., for the Lick Run Greenway trail; such document shall be approved as to form by the City Attorney.

ATTEST:

City Clerk.



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

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CityWeb: www.roanokegov.com

July 6, 2004

Honorable C. Nelson Harris, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Harris and Members of Council:

Subject: Auditorium Seating
Refurbishment

This is to request space on Council's regular agenda for a report on the
above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
City Clerk
Director of Finance



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July 6, 2004

Honorable C. Nelson Harris, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Harris and Members of Council:

Subject: Long Term Lease Request
from Virginia Museum of
Transportation

This is to request space on Council's regular agenda for a report on the
above referenced subject.

Respectfully submitted,


Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
City Clerk
Director of Finance



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July 6, 2004

Honorable C. Nelson Harris, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Harris and Members of Council:

Subject: Public Art Master Plan

This is to request space on Council's regular agenda for a report on the above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
City Clerk
Director of Finance



CITY OF ROANOKE DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461
P.O. Box 1220
Roanoke, Virginia 24006-1220
Telephone: (540) 853-2821
Fax: (540) 853-6142

JESSE A. HALL

Director of Finance

email: jesse_hall@ci.roanoke.va.us

ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

July 6, 2004

Honorable C. Nelson Harris, Mayor
Honorable C. Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

SUBJECT: May Financial Report

This financial report covers the first eleven months of the 2003-2004 fiscal year. The following narrative discusses revenues and expenditures.

REVENUES

Effective with the 2003-2004 fiscal year, recovered costs are being reported as revenues rather than as reductions of department expenditures as in prior years. This change in reporting has the impact of increasing both revenues and expenditures as compared to the prior year. Through May, approximately \$3.7 million in recovered costs had been received and was included in the Charges for Services revenue category. Adjusted for the change in reporting of recovered costs, General Fund revenues increased 3.4% or \$5,748,596 compared to FY03. Other significant variances in specific categories of revenues are discussed in the following paragraphs.

General Property Taxes increased 3.0% or \$2,073,003 compared to FY03. This is led by increased revenues from real estate which were up 6.9% as of May 31st. The current portion of real estate was expected to grow at this rate, and almost 99% of budgeted revenue has been collected at this point. Contrary to the current portion of the tax, delinquent real estate collections are anticipated to fall below the estimate for the current fiscal year. The 2004 personal property tax was due June 1st. Current year personal property taxes are approximately 3% lower than those of the prior year due to a decline in sales of vehicles and a decrease in NADA values. The FY04 budget was established at an amount nearly equal to FY03 collections; therefore, this revenue will also underachieve its estimate by close to 3% or \$680,000.

The Local Tax category is a primary indicator of the health of our local economy. The category increased 4.9% or \$2,434,475 as compared to last year. Sales tax revenues led this growth with an increase of 7.0% when adjusted for one-time collections totaling approximately \$300,000. These resulted from a sales tax audit conducted during the current year which revealed underpayment of prior years' sales taxes. The growth in the sales tax this year results from continued overall recovery in our economy. Additionally, compared to performance from this time last year, improvements can be seen as consumer spending has rebounded from news of the war in Iraq. Business and professional occupational license (BPOL) tax, another major source of local tax revenue, has achieved its estimate for the current fiscal year resulting in growth of approximately one-half percent. Other local taxes with positive performance included the transient room and prepared food and beverage taxes which each increased 7.1%. Additionally, cellular telephone tax increased 10.5%, mainly due to a \$51,000 one-time collection stemming from a cellular telephone tax audit.

Permits and Fees grew by 15.3% over FY03 due to growth in electrical, plumbing, building, and heating inspection fees. This growth was generated as a result of new construction and continued expansions to existing companies. New security and fire alarm registration fees, as well as growth in outdoor dining permits, also contributed to an increase in this category.

Charges for Services have increased due to the aforementioned change in accounting for recovered costs as revenue in FY04. Recovered costs are slightly above the estimate on a year to date basis. Additionally, EMS revenues have increased approximately \$381,079 in the current year due to increased rates, in compliance with federal guidelines.

Charges for Services have increased due to the aforementioned change in accounting for recovered costs as revenue in FY04. Recovered costs are slightly above the estimate on a year to date basis. Additionally, EMS revenues have increased approximately \$381,079 in the current year due to increased rates, in compliance with federal guidelines.

Miscellaneous Revenues grew by \$38,397 or 12.0% over FY03 due in part to the collection of surplus proceeds from prior year tax sales which have not been claimed by property owners. Sale proceeds in excess of lien amounts are retained by the City following a certain waiting period. Additionally, the City received revenue of \$28,126 based on the volume of annual purchasing card activity.

Internal Service revenues increased 10.0% over FY04 due the aforementioned change in accounting for recovered costs associated with billings to both the schools and the Greater Roanoke Transit Authority.

EXPENDITURES AND ENCUMBRANCES

Certain items affect all categories of the City in the 2003-2004 fiscal year. First, the City granted a pay raise to active employees effective July 1, 2003, which averaged 2.85% City-wide. Secondly, the City's purchasing division created an initiative to assure that contractual commitments such as rents are encumbered via purchase order for the annual amount. This resulted in higher obligations in the current fiscal year compared to the prior fiscal year, but it represents a more realistic assessment of departmental obligations. Also, the changes to recording of recovered costs, discussed previously, results in affected departmental obligations being greater than the prior year since the recovered costs are no longer deducted from obligations.

General fund expenditures and encumbrances have increased 6.1%. Adjusted for the change in recovered costs, this increase is 4.0%. Significant variances caused by fluctuations other than the change in accounting for recovered costs are discussed below.

Public Safety expenditures increased 11.4% partially due to timing differences in the encumbrance of contractual payments in E911 and Jail. Personal service costs also increased in the labor-intensive Police and Fire departments.

Parks, Recreation and Cultural expenditures increased in part due to a \$219,225 increase in Department of Technology billings generated by a significant increase in the number of computers owned by the libraries over the prior fiscal year. These computers were purchased in order to reduce citizens' waiting time for use of public computers. Additionally, expenditures were up due to the aforementioned change in recognition of recovered costs.

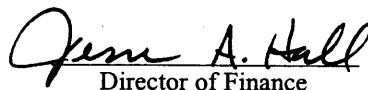
Community Development expenditures and obligations grew over FY03 due to a budgeted increase in donations to various local organizations funded by the City. Contributing to the budgeted increase was a one-time expenditure for Mill Mountain Zoo water line improvements, support for the City's branding initiative, and provision for payment to Event Zone in support of major City events. Additionally, Youth Services expenditures grew due to an increase in special projects for youth and expenditures for the Preston Center.

As a result of debt service savings from the Series 2003 refunding issue, Transfer to Debt Service decreased in the current fiscal year. Additionally, the payments required on the 1999A and 2002 Series issues are lower in the current year than in FY03.

The Transfer to School Capital Projects Fund stemmed from an appropriation of fund balances relative to CMERP for a reserve for future school construction and renovation costs. There was no similar transfer in FY03.

Nondepartmental expenditures and obligations increased due to a transfer of \$2,845,800 to the Parking Fund to redeem the lease of the Century Station parking garage with the Housing Authority.

I would be pleased to answer questions City Council may have regarding the monthly financial statements.


Director of Finance

**CITY OF ROANOKE, VIRGINIA
GENERAL FUND**

STATEMENT OF REVENUE

Revenue Source	Year to Date for the Period			Current Fiscal Year	
	July 1 - May 31 2002-2003	July 1 - May 31 2003-2004	Percentage of Change	Revised Revenue Estimates	Percent of Revenue Estimate Received
General Property Taxes	\$ 69,543,752	\$ 71,616,755	2.98 %	\$ 83,500,217	85.77%
Other Local Taxes	49,738,612	52,173,087	4.89 %	60,866,657	85.72%
Permits, Fees and Licenses	820,953	946,474	15.29 %	907,302	104.32%
Fines and Forfeitures	1,193,404	1,311,136	9.87 %	1,296,130	101.16%
Revenue from Use of Money and Property	935,079	919,120	-1.71 %	1,093,091	84.08%
Grants-in-Aid Commonwealth	42,829,210	42,864,861	0.08 %	46,693,199	91.80%
Grants-in-Aid Federal Government	17,179	130,731	660.99 %	147,852	88.42%
Charges for Services	3,711,205	8,087,138	117.91 %	8,567,804	94.39%
Miscellaneous Revenue	321,058	359,455	11.96 %	420,474	85.49%
Internal Services	1,558,662	1,715,075	10.04 %	2,529,153	67.81%
Total	\$ 170,669,114	\$ 180,123,832	5.54 %	\$ 206,021,879	87.43%

STATEMENT OF EXPENDITURES AND ENCUMBRANCES

Expenditures	Year to Date for the Period			Current Fiscal Year		
	July 1 - May 31 2002-2003	July 1 - May 31 2003-2004	Percentage of Change	Unencumbered Balance	Revised Appropriations	Percent of Budget Obligated
General Government	\$ 10,334,142	10,491,724	1.52 %	\$ 1,527,310	\$ 12,019,034	87.29%
Judicial Administration	5,480,499	5,546,424	1.20 %	899,892	6,446,316	86.04%
Public Safety	41,000,679	45,659,706	11.36 %	4,569,957	50,229,663	90.90%
Public Works	21,780,463	23,235,071	6.68 %	1,889,007	25,124,078	92.48%
Health and Welfare	23,830,082	26,134,379	9.67 %	3,065,248	29,199,627	89.50%
Parks, Recreation and Cultural	4,082,718	4,774,928	16.95 %	715,948	5,490,876	86.96%
Community Development	4,921,774	5,507,416	11.90 %	879,419	6,386,835	86.23%
Transfer to Debt Service Fund	16,846,406	14,513,017	-13.85 %	480,180	14,993,197	96.80%
Transfer to School Fund	43,515,494	44,815,326	2.99 %	4,074,120	48,889,446	91.67%
Transfer to School Capital Projects Fund	-	1,025,630	100.00 %	-	1,025,630	100.00%
Nondepartmental	8,950,192	10,048,968	12.28 %	2,723,066	12,772,034	78.68%
Total	\$ 180,742,449	191,752,589	6.09 %	\$ 20,824,147	\$ 212,576,736	90.20%

**CITY OF ROANOKE, VIRGINIA
WATER FUND
COMPARATIVE INCOME STATEMENT
FOR THE ELEVEN MONTHS ENDING MAY 31, 2004**

	<u>FY 2004</u>	<u>FY 2003</u>
Operating Revenues		
Commercial Sales	\$ 4,588,667	\$ 4,060,606
Domestic Sales	3,717,645	3,243,882
Industrial Sales	727,759	540,632
Town of Vinton	36,443	22,628
City of Salem	41,298	29,812
County of Botetourt	263,233	212,776
County of Bedford	34,108	27,750
Customer Services	436,472	394,208
Charges for Services	<u>1,144,122</u>	<u>1,078,805</u>
Total Operating Revenues	<u>10,989,747</u>	<u>9,611,099</u>
Operating Expenses		
Personal Services	4,031,560	4,007,965
Operating Expenses	2,856,897	3,132,658
Purchased Water - Roanoke County	-	1,907,359
Purchased Water - City of Salem	-	589,419
Depreciation	<u>1,439,722</u>	<u>1,504,653</u>
Total Operating Expenses	<u>8,328,179</u>	<u>11,142,054</u>
Operating Revenues (Expenses)	<u>2,661,568</u>	<u>(1,530,955)</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	62,475	75,066
Rent	155,445	114,600
Main Extension Agreements	104,490	-
Miscellaneous Revenue	58,712	55,910
Transfer to Department of Technology Fund	(216,000)	(41,146)
Interest and Fiscal Charges	<u>(1,034,977)</u>	<u>(983,254)</u>
Net Nonoperating Expenses	<u>(869,855)</u>	<u>(778,824)</u>
Net Income (Loss)	<u><u>\$ 1,791,713</u></u>	<u><u>\$ (2,309,779)</u></u>

Note: Prior year financial statements have been restated to conform to current year presentation.

**CITY OF ROANOKE, VIRGINIA
WATER POLLUTION CONTROL FUND
COMPARATIVE INCOME STATEMENT
FOR THE ELEVEN MONTHS ENDING MAY 31, 2004**

	<u>FY 2004</u>	<u>FY 2003</u>
Operating Revenues		
Sewage Charges - City	\$ 7,586,202	\$ 5,551,999
Sewage Charges - Roanoke County	1,036,850	1,247,641
Sewage Charges - Vinton	175,153	239,615
Sewage Charges - Salem	1,035,231	1,196,191
Sewage Charges - Botetourt County	157,507	201,675
Customer Services	288,808	265,394
Interfund Services	<u>173,707</u>	<u>191,661</u>
Total Operating Revenues	<u>10,453,458</u>	<u>8,894,176</u>
Operating Expenses		
Personal Services	2,122,631	1,917,969
Operating Expenses	5,035,552	4,450,816
Depreciation	<u>1,717,489</u>	<u>1,704,028</u>
Total Operating Expenses	<u>8,875,672</u>	<u>8,072,813</u>
Operating Revenues	<u>1,577,786</u>	<u>821,363</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	102,977	124,777
Miscellaneous Revenue	169	356
Capital Contributions - Other Jurisdictions	2,104,033	97,832
Transfer to Department of Technology Fund	(190,000)	(27,248)
Interest and Fiscal Charges	<u>(347,413)</u>	<u>(681,899)</u>
Net Nonoperating Revenues (Expenses)	<u>1,669,766</u>	<u>(486,182)</u>
Net Income	<u><u>\$ 3,247,552</u></u>	<u><u>\$ 335,181</u></u>

**CITY OF ROANOKE, VIRGINIA
CIVIC FACILITIES FUND
COMPARATIVE INCOME STATEMENT
FOR THE ELEVEN MONTHS ENDING MAY 31, 2004**

	<u>FY 2004</u>	<u>FY 2003</u>
Operating Revenues		
Rentals	\$ 728,684	\$ 670,313
Event Expenses	203,973	213,582
Display Advertising	77,983	19,000
Admissions Tax	433,647	366,399
Electrical Fees	8,315	6,000
Novelty Fees	88,200	50,612
Facility Surcharge	396,729	65,753
Charge Card Fees	99,724	43,090
Commissions	88,050	67,673
Catering/Concessions	923,664	753,719
Other	8,251	9,809
Total Operating Revenues	<u>3,057,220</u>	<u>2,265,950</u>
Operating Expenses		
Personal Services	1,813,659	1,759,437
Operating Expenses	2,122,863	1,958,927
Depreciation	483,199	532,491
Total Operating Expenses	<u>4,419,721</u>	<u>4,250,855</u>
Operating Loss	<u>(1,362,501)</u>	<u>(1,984,905)</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	13,486	15,992
Flood Damage Reimbursements	23,453	-
Virginia Municipal League	11,865	-
Arena Ventures Contractual Penalties	117,506	-
Transfer from General Fund	477,565	1,077,815
Transfer from General Fund - Victory Stadium	113,728	102,278
Transfer from Capital Projects Fund	260,000	-
Transfer to Debt Service Fund	(62,194)	(69,330)
Transfer to Department of Technology Fund	-	(47,754)
Gain (Loss) on Disposal of Fixed Asset	45,000	(15,352)
Miscellaneous	2,508	10,866
Total Nonoperating Revenues	<u>1,002,917</u>	<u>1,074,515</u>
Net Loss	<u><u>\$ (359,584)</u></u>	<u><u>\$ (910,390)</u></u>

**CITY OF ROANOKE, VIRGINIA
PARKING FUND
COMPARATIVE INCOME STATEMENT
FOR THE ELEVEN MONTHS ENDING MAY 31, 2004**

	<u>FY 2004</u>	<u>FY 2003</u>
Operating Revenues		
Century Station Parking Garage	\$ 378,231	\$ 350,445
Williamson Road Parking Garage	500,490	393,085
Market Square Parking Garage	217,698	207,551
Church Avenue Parking Garage	541,468	447,490
Tower Parking Garage	411,830	373,354
Gainsboro Parking Garage	81,441	34,823
Williamson Road Surface Lots	76,349	68,164
Norfolk Avenue Surface Lot	57,163	53,468
Gainsboro Surface Lot	40,803	32,917
Other Surface Lots	<u>135,301</u>	<u>74,744</u>
Total Operating Revenues	<u>2,440,774</u>	<u>2,036,041</u>
Operating Expenses		
Operating Expenses	983,386	994,574
Depreciation	<u>508,861</u>	<u>504,050</u>
Total Operating Expenses	<u>1,492,247</u>	<u>1,498,624</u>
Operating Income	<u>948,527</u>	<u>537,417</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	16,850	6,496
Transfer from General Fund (see Note)	2,845,800	119,778
Transfer from Department of Technology Fund	78,000	-
Interest and Fiscal Charges	<u>(332,117)</u>	<u>(540,120)</u>
Net Nonoperating Revenues (Expenses)	<u>2,608,533</u>	<u>(413,846)</u>
Net Income	<u><u>\$ 3,557,060</u></u>	<u><u>\$ 123,571</u></u>

Note: The Transfer from General Fund for FY 2004 was to redeem the Century Station Garage lease.

**CITY OF ROANOKE, VIRGINIA
CITY TREASURER'S OFFICE
GENERAL STATEMENT OF ACCOUNTABILITY
FOR THE MONTH ENDED MAY 31, 2004**

TO THE DIRECTOR OF FINANCE:

GENERAL STATEMENT OF ACCOUNTABILITY OF THE CITY TREASURER OF THE CITY OF ROANOKE, VIRGINIA FOR THE FUNDS OF SAID CITY FOR THE MONTH ENDED MAY 31, 2004.

FUND	BALANCE AT APR 30, 2004	RECEIPTS	DISBURSEMENTS	BALANCE AT MAY 31, 2004	BALANCE AT MAY 31, 2003
GENERAL	(\$372,731.42)	\$23,604,277.02	\$15,067,767.49	\$8,163,778.11	\$11,822,688.92
WATER	5,271,488.79	679,391.82	151,929.26	5,798,951.35	4,455,992.61
WATER POLLUTION CONTROL	27,284,077.01	1,800,950.60	1,793,614.82	27,291,412.79	9,094,320.45
CIVIC FACILITIES	1,584,626.44	491,238.29	463,064.62	1,612,800.11	949,578.94
PARKING	1,086,600.23	209,201.94	81,497.30	1,214,304.87	491,175.08
CAPITAL PROJECTS	47,509,705.13	651,876.69	339,931.87	47,821,649.95	53,199,592.53
MARKET BUILDING OPERATIONS	148,867.93	23,217.40	47,195.47	124,889.86	299,143.13
CONFERENCE CENTER	3,789,165.03	0.00	5,393.72	3,783,771.31	3,897,350.57
DEBT SERVICE	14,373,999.25	6,449.83	64,051.08	14,316,398.00	14,409,230.13
DEPT OF TECHNOLOGY	3,930,345.74	195,765.60	185,039.02	3,941,072.32	5,232,034.84
FLEET MANAGEMENT	883,177.97	65,029.95	167,253.86	780,954.06	1,401,362.74
PAYROLL	(12,831,935.07)	15,904,938.12	15,597,233.50	(12,524,230.45)	(12,049,243.40)
RISK MANAGEMENT	12,082,533.60	1,089,019.02	882,755.14	12,288,797.48	11,919,953.36
PENSION	997,422.69	1,553,085.42	1,576,850.68	973,657.43	335,473.09
SCHOOL FUND	6,084,863.46	6,835,248.83	6,280,383.90	6,639,728.39	8,871,299.16
SCHOOL CAPITAL PROJECTS	6,316,674.67	1,697.66	1,246,914.94	5,071,457.39	9,307,250.69
SCHOOL FOOD SERVICE	140,612.99	562,309.18	592,847.05	110,075.12	562,579.47
FDETC	(18,734.42)	30,513.91	12,173.06	(393.57)	49,318.01
GRANT	1,562,609.03	101,485.27	714,912.11	949,182.19	1,054,039.50
TOTAL	\$119,823,369.05	\$53,805,696.55	\$45,270,808.89	\$128,358,256.71	\$125,303,139.82

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE STATEMENT OF MY ACCOUNTABILITY TO THE CITY OF ROANOKE, VIRGINIA, FOR THE FUNDS OF THE VARIOUS ACCOUNTS THEREOF FOR THE MONTH ENDED MAY 31, 2004.
THAT SAID FOREGOING:

CASH

CASH IN HAND	\$1,566,353.12
CASH IN BANK	3,184,332.20

INVESTMENTS ACQUIRED FROM COMPETITIVE PROPOSALS:

COMMERCIAL HIGH PERFORMANCE MONEY MARKET	10,500,000.00
LOCAL GOVERNMENT INVESTMENT POOL	28,016,679.13
MONEY MANAGEMENT ACCOUNT	10,493,105.62
REPURCHASE AGREEMENTS	14,000,000.00
U. S. AGENCIES	15,483,038.89
VIRGINIA AIM PROGRAM (U. S. SECURITIES)	28,790,613.33
VIRGINIA RESOURCE AUTHORITY	16,324,134.42
TOTAL	\$128,358,256.71

JUNE 15, 2004


EVELYN W. POWERS, TREASURER

**CITY OF ROANOKE PENSION PLAN
STATEMENT OF CHANGES IN PLAN NET ASSETS
FOR THE ELEVEN MONTHS ENDED MAY 31, 2004**

	<u>FY 2004</u>	<u>FY 2003</u>
<u>Additions:</u>		
Employer Contributions	\$ 4,595,061	\$ 3,672,138
Investment Income		
Net Appreciation (Depreciation) in Fair Value of Investments	29,038,027	1,762,957
Interest and Dividend Income	2,204,838	2,724,873
Total Investment Income (Loss)	31,242,865	4,487,830
Less Investment Expense	391,357	260,537
Net Investment Income (Loss)	30,851,508	4,227,293
Total Additions (Deductions)	<u>\$ 35,446,569</u>	<u>\$ 7,899,431</u>
 <u>Deductions</u>		
Benefits Paid to Participants	\$ 16,623,224	\$ 15,295,541
Administrative Expenses	284,271	290,448
Total Deductions	<u>16,907,495</u>	<u>15,585,989</u>
 Net Increase (Decrease)	 18,539,074	 (7,686,558)
 Net Assets Held in Trust for Pension Benefits:		
Fund Balance July 1	283,983,057	289,534,315
Fund Balance May 31	<u><u>\$302,522,131</u></u>	<u><u>\$281,847,757</u></u>

**CITY OF ROANOKE PENSION PLAN
BALANCE SHEET
MAY 31, 2004**

	<u>FY 2004</u>	<u>FY 2003</u>
<u>Assets</u>		
Cash	\$ 973,657	\$ 335,424
Investments, at Fair Value	303,146,640	282,936,088
Due from Other Funds	1,431	1,590
Other Assets	<u>6,150</u>	<u>5,785</u>
Total Assets	<u>\$ 304,127,878</u>	<u>\$ 283,278,887</u>
 <u>Liabilities and Fund Balance</u>		
Liabilities:		
Due to Other Funds	\$ 1,551,861	\$ 1,430,815
Accounts Payable	<u>53,886</u>	<u>315</u>
Total Liabilities	<u>1,605,747</u>	<u>1,431,130</u>
 Fund Balance:		
Fund Balance, July 1	283,983,057	289,534,315
Net Gain (Loss) - Year to Date	<u>18,539,074</u>	<u>(7,686,558)</u>
Total Fund Balance	<u>302,522,131</u>	<u>281,847,757</u>
 Total Liabilities and Fund Balance	<u>\$ 304,127,878</u>	<u>\$ 283,278,887</u>



CITY OF ROANOKE

DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

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JESSE A. HALL

Director of Finance

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ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

July 6, 2004

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: City Code Amendment

Background:

Pursuant to changes made to state law in 2002, localities were given the authority to deny certain permits to taxpayers if the taxpayer was delinquent in the payment of local real estate taxes. Accordingly, Section 32-7 of the City Code was enacted to provide that the City shall deny a request made by a taxpayer for a special exception, a variance, a rezoning or a building permit if such taxpayer was delinquent in the payment of real estate taxes. Section 19-1.2(b) of the City Code, already in effect in 2002, provides that a taxpayer delinquent in the payment of business license, personal property, meals, transient occupancy or admissions taxes may be denied a business license for that reason.

Considerations:

During its last session, the General Assembly enacted a law limiting a locality's authority to deny a taxpayer's application for certain permits and licenses under certain circumstances. Effective July 1, 2004, Section 58.1-3994 of the Code of Virginia (1950) as amended, goes into effect. That section provides that a locality shall not refuse to issue any permit or license to a taxpayer if the sole basis for denial of such permit or license is the taxpayer's failure to pay taxes, penalties or interest and such taxpayer has pending a bona fide application or appeal to the locality with respect to such taxes, penalties or interest.

Honorable Mayor and Members of Council
July 6, 2004
Page 2

Recommended Action:

Authorize amendments to Sections 32-7 and 19-1.2(b) of the City Code to bring those sections into compliance with Section 58.1-3994 of the State Code.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jesse A. Hall".

Jesse A. Hall
Director of Finance

JAH/pac

c: Honorable Sherman A. Holland, Commissioner of Revenue
 Honorable Evelyn W. Powers, City Treasurer
 Darlene L. Burcham, City Manager
 William M. Hackworth, City Attorney
 Mary F. Parker, City Clerk
 Dana D. Long, Manager, Billings & Collections
 Brian Townsend, Director of Planning, Building, & Development

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending §32-7, Delinquent real estate taxes, of Article II, Real Estate Taxes Generally, of Chapter 32, Taxation, and §19-1.2 (b), License required; requiring evidence of payment of business license, business personal property, meals and admissions taxes, of Article II, In General, of Chapter 19, License Tax Code, of the Code of the City of Roanoke (1979) as amended, by including certain limitations required by state law on the City's authority to deny an application for a special exception, variance, rezoning, or certain permits and business licenses respectively, on the basis that delinquent taxes are owed the City; and dispensing with the second reading of this ordinance by title.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 32-7, Delinquent real estate taxes, of Article II, Real Estate Taxes Generally, of Chapter 32, Taxation, of the Code of the City of Roanoke (1979), as amended, is hereby amended to read and provide as follows:

Sec. 32-7. Delinquent real estate taxes.

Pursuant to the provisions of §15.2-2286.B, Code of Virginia (1950), as amended, prior to the initiation of an application for, or final approval of, a special exception, a variance, or a rezoning pursuant to the provisions of chapter 36.1, Zoning, of this Code, or for a building permit pursuant to the provisions of chapter 7, Building Regulations, of this Code, or for an erosion and sediment control or other land disturbing permit pursuant to the provisions of chapter 11.1, Erosion and Sediment Control, of this Code, the applicant shall produce satisfactory evidence that any delinquent real estate taxes owed to the city which have been properly assessed against the subject property have been paid. *Provided, however, that such special exception, variance, rezoning, building permit or other land disturbing permit may not be denied solely on the basis of delinquent real estate taxes, penalties or interest when the taxpayer has one of the following bona fide appeals pending (all references are to the Code of Virginia (1950) as amended): (i) application for correction of an*

assessment of taxes pursuant to §58.1-3980; (ii) appeal of a local license tax pursuant to §58.1-3703.1; (iii) appeal by a political subdivision pursuant to §58.1-3982 of a correction of assessment of local taxes; (iv) appeal of a local tax or local business tax pursuant to §58.1-3983.1; (v) an application pursuant to §58.1-3984 for correction of a local tax or local business tax, as those terms are defined in §58.1-3983.1; or (vi) an application for correction or equalization of an assessment with respect to real property pursuant to §58.1-3350.

2. Section 19-1.2 (b), License required; requiring evidence of payment of business license, business personal property, meals and admissions taxes, of Article II, In General, of Chapter 19, License Tax Code, of the Code of the City of Roanoke (1979), as amended, is hereby amended to read and provide as follows:

Sec.19-1.2 (b) License required; requiring evidence of payment of business license, business personal property, meals and admissions taxes

(b) No business license under this chapter shall be issued until the applicant has produced satisfactory evidence that all delinquent business license, personal property, meals, transient occupancy, severance and admissions taxes owed by the business to the city have been paid. *Provided, however, such business license may not be denied solely on the basis of delinquent taxes, penalties or interest when the taxpayer has one of the following bona fide appeals pending (all references are to the Code of Virginia (1950) as amended): (i) application for correction of an assessment of taxes pursuant to §58.1-3980; (ii) appeal of a local license tax pursuant to §58.1-3703.1; (iii) appeal by a political subdivision pursuant to §58.1-3982 of a correction of assessment of local taxes; (iv) appeal of a local tax or local business tax pursuant to §58.1-3983.1; (v) an application pursuant to §58.1-3984 for correction of a local tax or local business tax, as those terms are defined in §58.1-3983.1; or (vi) an application for correction or equalization of an assessment with respect to real property pursuant to §58.1-3350.*

3. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.